

ATTACHMENT 14

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

1

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

----- :
IN RE: PROCESSED EGG PRODUCTS : MDL NO. 2002
ANTITRUST LITIGATION : 08-md-02002
----- :
THIS DOCUMENT RELATES TO : DAY 1, VOL. I
Kroger, Inc. v. United Egg :
Producers, et al., :
No. 2:10-cv-06705 GP :
----- :

HIGHLY CONFIDENTIAL
VIDEOTAPED DEPOSITION
OF RAMESH DAGA
Tuesday, March 11, 2014
Tenafly, New Jersey
8:58 a.m.

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

2 (Pages 2 to 5)

<p style="text-align: right;">2</p> <p>1 TRANSCRIPT of the Highly Confidential 2 30(b)(6) Videotaped Deposition of RAMESH DAGA, called 3 as a witness for examination by Defendants, pursuant 4 to the Federal Rules of Civil Procedure of the United 5 States District Court, held at the Clinton Inn Hotel 6 and Event Center, 145 Dean Drive, Tenafly, New Jersey, 7 on Tuesday, March 11, 2014, commencing at 8 approximately 8:58 a.m., before Josephine H. Fassett, 9 a Certified Court Reporter, Registered Professional 10 Reporter, Certified Livenote Reporter and Notary 11 Public of the State of New Jersey. 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">4</p> <p>1 APPEARANCES: 2 3 On Behalf of Defendant Rose Acre Farms, Inc.: 4 PORTER, WRIGHT, MORRIS & ARTHUR, LLP 5 41 South High Street 6 Suites 2800 - 3200 7 Columbus, Ohio 43215-6194 8 614.227.4440 9 BY TELEPHONE: ANDREW J. MOODY, ESQ. 10 amood@porterwright.com 11 12 13 ALSO PRESENT: 14 MARCELO RIVERA, Videographer 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">3</p> <p>1 APPEARANCES: 2 3 On Behalf of Plaintiff Conopco, Inc. and the witness, 4 Ramesh Daga: 5 KENNY NACHWALTER, P.A. 6 1100 Miami Center 7 201 Soth Biscayne Boulevard 8 Miami, Florida 33131-4327 9 305.373.1000 10 BY: KEVIN J. MURRAY, ESQ. 11 kmurray@kennynachwalter.com 12 13 On Behalf of Defendants Michael Foods, Inc. and 14 Papetti's Hygrade Egg Products, Inc.: 15 STINSON LEONARD STREET LLP 16 150 South Fifth Street 17 Suite 2300 18 Minneapolis, Minnesota 55402 19 621.335.1568 20 BY: WILLIAM L. GREENE, ESQ. 21 william.greene@stinsonleonard.com 22 23 24 25</p>	<p style="text-align: right;">5</p> <p>1 -----INDEX----- 2 WITNESS PAGE 3 RAMESH DAGA 4 By Mr. Greene 9 5 6 AFTERNOON SESSION - 161 7 8 -----INDEX OF EXHIBITS----- 9 EXHIBIT PAGE 10 Exhibit 1 (Withdrawn) 38 11 Exhibit 2 Defendants' Notice of Deposition 12 to Plaintiff Conopco, Inc. Pursuant 13 to Fed. R. Civ. P. 30(b)(6) 40 14 Exhibit 3 Direct Action Plaintiff Conopco, 15 Inc.'s Statement of Affiliates 54 16 Exhibit 4 E-mail Exchange, Bates 17 CPCEGED00082345 to CPCEGED00082347 64 18 Exhibit 5 Urner Barry Market Update, Bates 19 CPCEGED00071647 74 20 Exhibit 6 Email Exchange, Bates 21 CPCEGED00085673 to CPCEGED00085676 80 22 Exhibit 7 Purchase Agreement, Bates 23 CPCEG00000009 to CPCEG000000046 98 24 Exhibit 8 Email Exchange, Bates 25 CPCEGED00082811 to CPCEGED00082820 107</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

3 (Pages 6 to 9)

<p style="text-align: right;">6</p> <p>1 -----INDEX OF EXHIBITS-----</p> <p>2 EXHIBIT PAGE</p> <p>3 Exhibit 9 Pricing Document, Bates</p> <p>4 CPCEGED000066528 121</p> <p>5 Exhibit 10 Transactional Data Spreadsheet 134</p> <p>6 Exhibit 11 Purchase Spreadsheet 142</p> <p>7 Exhibit 12 Email, Bates CPCEGED000083988 to</p> <p>8 CPCEGED000083989 148</p> <p>9 Exhibit 13 Email Exchange, Bates</p> <p>10 CPCEGED000084327 to CPCEGED000084328 151</p> <p>11 Exhibit 14 Email, Bates CPCEGED00106162 to</p> <p>12 CPCEGED00106168 155</p> <p>13 Exhibit 15 Supplier Segmentation PowerPoint,</p> <p>14 Bates CPCEGED00066832 to</p> <p>15 CPCEGED00066838 161</p> <p>16 Exhibit 16 Transactional Data Spreadsheet,</p> <p>17 Bates CPCEGTD00000001 174</p> <p>18 Exhibit 17 Email, Bates MFI0364924 188</p> <p>19 Exhibit 18 Protective Order 188</p> <p>20 Exhibit 19 Email, Bates CPCEGED00071679 to</p> <p>21 CPCEGED00071680 195</p> <p>22 Exhibit 20 Email, Bates CPCEGED00085826 197</p> <p>23 Exhibit 21 Email Exchange, Bates CPCEGED00086132</p> <p>24 to CPCEGED00086134 202</p> <p>25 Exhibit 22 Email, Bates CPCEGED00086142 207</p>	<p style="text-align: right;">8</p> <p>1 (Whereupon, on the video record.)</p> <p>2 THE VIDEOGRAPHER: This is DVD No. 1 of the</p> <p>3 video deposition of Mr. Ramesh Daga In Re:</p> <p>4 Processed Egg Products Antitrust Litigation in</p> <p>5 the Eastern District Court for the Eastern</p> <p>6 District of Pennsylvania.</p> <p>7 This deposition is being held at the Clinton</p> <p>8 Inn Hotel and Event Center located at 145 Dean</p> <p>9 Drive, Tenafly, New Jersey, on March 11, 2013, at</p> <p>10 approximately 8:58 a.m.</p> <p>11 My name is Marcelo Rivera from the firm of</p> <p>12 Henderson Legal Services.</p> <p>13 The court reporter is Josephine Fassett in</p> <p>14 association with Henderson Legal Services located</p> <p>15 at 1015 15th Street, Northwest, Suite 525,</p> <p>16 Washington, D.C.</p> <p>17 Will present counsel please introduce</p> <p>18 themselves for the record.</p> <p>19 MR. GREENE: William Greene of Stinson</p> <p>20 Leonard Street, counsel for Michael Food --</p> <p>21 Defendant Michael Foods, Inc.</p> <p>22 MR. MURRAY: Kevin Murray from Kenny</p> <p>23 Nachwalter on behalf of Plaintiff Conopco, Inc.</p> <p>24 and the witness, Mr. Daga.</p> <p>25 THE VIDEOGRAPHER: Will the court reporter</p>
<p style="text-align: right;">7</p> <p>1 -----INDEX OF EXHIBITS-----</p> <p>2 EXHIBIT PAGE</p> <p>3 Exhibit 23 Email Exchange, Bates CPCEGED00083571</p> <p>4 to CPCEGED00083572 209</p> <p>5 Exhibit 24 Email Exchange, Bates MFI0109300 to</p> <p>6 MFI0109301 210</p> <p>7 Exhibit 25 Email, Bates CPCEGED00083640 213</p> <p>8 Exhibit 26 Email Exchange, Bates CPCEGED00083641</p> <p>9 to CPCEGED00083643 220</p> <p>10 Exhibit 27 Email, Bates MFI0109730 to MFI0109731 223</p> <p>11 Exhibit 28 Email Exchange, Bates CPCEGED00103941</p> <p>12 to CPCEGED00103943 228</p> <p>13 Exhibit 29 Email Exchange, Bates CPCEGED00103948</p> <p>14 to CPCEGED00103952 229</p> <p>15 Exhibit 30 Email Exchange, Bates CPCEGED00083993</p> <p>16 to CPCEGED00083994 232</p> <p>17 Exhibit 31 Q&A, Bates CPCEGED00104052 to</p> <p>18 CPCEGED00104055 234</p> <p>19 Exhibit 32 Email Exchange, Bates CPCEGED00103986</p> <p>20 to CPCEGED00103990 238</p> <p>21 Exhibit 33 PowerPoint, Bates CPCEGED00066366</p> <p>22 to CPCEGED00066373 244</p> <p>23 Exhibit 34 Email, Bates CPCEGED00086685 247</p> <p>24 Exhibit 35 Email, Bates CPCEGED00104061 249</p> <p>25</p>	<p style="text-align: right;">9</p> <p>1 please swear in the witness.</p> <p>2 MR. GREENE: Before you swear the witness.</p> <p>3 Is there anyone on the phone?</p> <p>4 MR. MOODY: Andrew Moody from Porter Wright</p> <p>5 on behalf of Rose Acre Farms.</p> <p>6 MR. GREENE: Anyone else?</p> <p>7 Please swear the witness.</p> <p>8 R A M E S H D A G A, the witness, having been duly</p> <p>9 sworn, was examined and testified under oath as</p> <p>10 follows:</p> <p>11 EXAMINATION BY</p> <p>12 MR. GREENE:</p> <p>13 Q Good morning. Could you please state your</p> <p>14 name.</p> <p>15 A My name is Ramesh Daga.</p> <p>16 Q Mr. Daga, we met a few moments ago. I'm</p> <p>17 William Greene. I'm going to be taking your</p> <p>18 deposition today.</p> <p>19 First of all, let's start by asking if you</p> <p>20 could state your address, please.</p> <p>21 A My home address or work address?</p> <p>22 Q Both, please.</p> <p>23 A My work address, 800 Sylvan Avenue,</p> <p>24 Englewood Cliffs, New Jersey 07635. And my home</p> <p>25 address is 21 Jardine Lane, Lincoln Park, New Jersey</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

4 (Pages 10 to 13)

<p style="text-align: right;">10</p> <p>1 07035.</p> <p>2 Q And do you understand today that you are --</p> <p>3 that you are testifying both in your individual</p> <p>4 capacity and on behalf of Conopco?</p> <p>5 A I do.</p> <p>6 Q Have you had your deposition taken before?</p> <p>7 A No.</p> <p>8 Q This is your first deposition that you've</p> <p>9 ever taken, correct?</p> <p>10 A Yes.</p> <p>11 Q Well, I'm sure your counsel has described</p> <p>12 the procedure to you, but let me give you a few of the</p> <p>13 background rules or guidelines.</p> <p>14 I'm going to be asking you questions this</p> <p>15 morning, and you're going to be providing answers, and</p> <p>16 the court reporter is going to be taking down your</p> <p>17 testimony. Do you understand?</p> <p>18 A I do.</p> <p>19 Q Okay. It's important that you answer</p> <p>20 questions out loud, audibly, because the court</p> <p>21 reporter can't take a nod of the head or a shake of</p> <p>22 the head one way or the other. Do you understand</p> <p>23 that?</p> <p>24 A Yes, I do.</p> <p>25 Q I'm going to do my best to ask clear</p>	<p style="text-align: right;">12</p> <p>1 A Yes.</p> <p>2 Q And does Mr. Murray represent you</p> <p>3 individually?</p> <p>4 A On behalf of my employer.</p> <p>5 Q Okay. So you understand him to be counsel</p> <p>6 for Conopco; is that correct?</p> <p>7 A That's correct.</p> <p>8 Q Okay. And do you understand him to be your</p> <p>9 personal counsel as well?</p> <p>10 A I don't know.</p> <p>11 Q You don't know one way or the other?</p> <p>12 A Correct.</p> <p>13 Q Now, you said that you had -- you talked to</p> <p>14 many people internally at Unilever; is that correct?</p> <p>15 A Correct.</p> <p>16 Q Okay. And you said you talked to people</p> <p>17 over a period of many weeks?</p> <p>18 A Several weeks.</p> <p>19 Q Several weeks. How much time have you spent</p> <p>20 preparing for this deposition?</p> <p>21 A Somewhere between six to eight hours.</p> <p>22 Q Total?</p> <p>23 A Total.</p> <p>24 Q Okay. Who did you speak to at -- is it</p> <p>25 Conopco or Unilever? I'm going to be asking questions</p>
<p style="text-align: right;">11</p> <p>1 questions, but there may be some questions that aren't</p> <p>2 very clear that you don't understand. If I ask you a</p> <p>3 question you don't understand, will you let me know</p> <p>4 that you don't understand the question?</p> <p>5 A Yes.</p> <p>6 Q And if you do ans -- if I ask you a question</p> <p>7 and you do answer the question, I'm going to assume</p> <p>8 you understood the question. Is that fair?</p> <p>9 A Fair.</p> <p>10 Q Okay. Is there any reason today that you</p> <p>11 can't give full and complete testimony?</p> <p>12 A No.</p> <p>13 Q What did you do to prepare for your</p> <p>14 deposition today?</p> <p>15 A So I work with my counsel for several weeks.</p> <p>16 I talked to many people internally at Unilever to</p> <p>17 prepare for this case.</p> <p>18 Q Okay. Let me just ask: Are you represented</p> <p>19 by counsel today?</p> <p>20 MR. MURRAY: Yes, he is.</p> <p>21 A Yes.</p> <p>22 MR. MURRAY: I've announced that on the</p> <p>23 record.</p> <p>24 MR. GREENE: Okay. I'm asking the witness.</p> <p>25 Q Are you represented by counsel?</p>	<p style="text-align: right;">13</p> <p>1 later about that. But who did you speak to at</p> <p>2 Unilever regarding this deposition?</p> <p>3 A I spoke to Ernani Woods. I spoke to Piere</p> <p>4 Gagne. I spoke to Stuart Cobert.</p> <p>5 Q Okay. I'm going to ask you to spell some</p> <p>6 names for me here. Ernani Woods?</p> <p>7 A Correct.</p> <p>8 Q Okay. That one I think I understood. What</p> <p>9 was the next name?</p> <p>10 A Piere Gagne.</p> <p>11 Q Can you spell that?</p> <p>12 A P-i-e-r-e. Last name Gagne, spelled</p> <p>13 G-a-g-n-e.</p> <p>14 Q And was there another name?</p> <p>15 A Stuart Cobert. C-o-b-e-r-t.</p> <p>16 Q Okay. Other than Mr. Woods, Mr. Gagne,</p> <p>17 Mr. Cobert, did you speak to anyone else about this</p> <p>18 deposition?</p> <p>19 A My outside counsel.</p> <p>20 Q Who is that?</p> <p>21 A Kevin.</p> <p>22 Q Oh, Mr. Murray. Okay. And no one else</p> <p>23 other than those four people?</p> <p>24 A No one else other than those four people.</p> <p>25 Q Okay. What did you speak to Mr. Woods</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

5 (Pages 14 to 17)

<p style="text-align: right;">14</p> <p>1 about?</p> <p>2 A So Mr. Wood is, he's a present egg buyer.</p> <p>3 Q He's a what?</p> <p>4 A He is a current egg buyer.</p> <p>5 Q Current egg buyer.</p> <p>6 A Correct.</p> <p>7 Q Okay.</p> <p>8 A So he got me up to date after I left buying</p> <p>9 eggs.</p> <p>10 Q When was that?</p> <p>11 A I did that yesterday.</p> <p>12 Q Okay. When did you stop as the egg buyer?</p> <p>13 When did your term as egg buyer end?</p> <p>14 A 2007.</p> <p>15 Q 2007.</p> <p>16 A I missed one name. Mary Pheil also I spoke</p> <p>17 internally in the company, so...</p> <p>18 Q Can you spell that one?</p> <p>19 A So first name Mary.</p> <p>20 Q Mary.</p> <p>21 A Last name P-h-e-i-l.</p> <p>22 Q P-h-e-i-l?</p> <p>23 A Correct.</p> <p>24 Q Okay. Let me go back. You said that you</p> <p>25 ended your role as egg buyer in 2007?</p>	<p style="text-align: right;">16</p> <p>1 with us, and how pricing is done, that kind of thing.</p> <p>2 Q What did he tell you about how pricing was</p> <p>3 done?</p> <p>4 A It's on a formula basis, it depends upon how</p> <p>5 the market was.</p> <p>6 Q Did you talk to Mr. Woods about anything</p> <p>7 else?</p> <p>8 A Not yesterday, no.</p> <p>9 Q Well, at any point in preparation for the</p> <p>10 deposition.</p> <p>11 A No.</p> <p>12 Q Mr. Gagne, what did you speak to Mr. Gagne</p> <p>13 about?</p> <p>14 A I spoke to him yesterday also. He's</p> <p>15 supposed -- Mr. Wood is based in Brazil, so Mr. Gagne</p> <p>16 is based in Montreal, so he is also participating in</p> <p>17 egg purchasing at a local level. So essentially I've</p> <p>18 talked the same thing with Mr. Gagne what I've talked</p> <p>19 with Wood. They both collectively manage egg buying</p> <p>20 right now.</p> <p>21 Q When you were the egg buyer, where were you</p> <p>22 located?</p> <p>23 A Right here in Englewood Cliffs.</p> <p>24 Q And did you just speak to Mr. Gagne</p> <p>25 yesterday?</p>
<p style="text-align: right;">15</p> <p>1 A Correct.</p> <p>2 Q When in 2007?</p> <p>3 A I don't recall specifically when really. We</p> <p>4 went to transition period, so there was overlapping</p> <p>5 for a while. So I don't recall exactly when, so -- I</p> <p>6 don't know exactly when.</p> <p>7 Q Okay. Do you know if it was early in the</p> <p>8 year or late in the year?</p> <p>9 A I'd say early in the year if I had to guess.</p> <p>10 Q Okay. And did Mr. Woods take over from you</p> <p>11 in 2007?</p> <p>12 A That's correct.</p> <p>13 Q As the egg buyer?</p> <p>14 A Correct.</p> <p>15 Q And so you discussed with Mr. Woods his work</p> <p>16 as an egg buyer since 2007?</p> <p>17 A Correct.</p> <p>18 Q Did you talk to Mr. Woods about anything</p> <p>19 else?</p> <p>20 A No.</p> <p>21 Q And what did Mr. Woods tell you in</p> <p>22 preparation for your deposition?</p> <p>23 MR. MURRAY: Objection, overly broad.</p> <p>24 A So we have talked about our current egg</p> <p>25 situation who are the suppliers, their market share</p>	<p style="text-align: right;">17</p> <p>1 A For egg litigation case yesterday only.</p> <p>2 Q Okay. In connection with this deposition</p> <p>3 just yesterday?</p> <p>4 A Yesterday.</p> <p>5 Q Okay. And for how long?</p> <p>6 A We spoke on the phone for half an hour.</p> <p>7 Q And what about Mr. Stuart Cobert?</p> <p>8 A So he is my in-house counsel.</p> <p>9 Q In-house counsel?</p> <p>10 A Correct.</p> <p>11 Q Now, did you speak to Mr. Cobert in</p> <p>12 preparation for your deposition?</p> <p>13 A Yesterday, yes.</p> <p>14 Q Okay. And what did you talk to Mr. Cobert</p> <p>15 about?</p> <p>16 MR. MURRAY: Objection, attorney-client</p> <p>17 privilege. I will allow him to discuss the</p> <p>18 corporate organizational structure of the</p> <p>19 company, which he did, which is a nonlegal issue,</p> <p>20 but other than that we're asserting</p> <p>21 attorney-client privilege.</p> <p>22 MR. GREENE: Well, I'm asking -- I'm just</p> <p>23 asking about what he discussed in preparation for</p> <p>24 his deposition, I'm not asking for --</p> <p>25 MR. MURRAY: Well, yeah, but that includes</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

6 (Pages 18 to 21)

<p style="text-align: right;">18</p> <p>1 privileged materials.</p> <p>2 MR. GREENE: Okay.</p> <p>3 MR. MURRAY: All right. He can answer about</p> <p>4 the corporate structure, which he got from</p> <p>5 in-house counsel, because that's one of the</p> <p>6 topics, but anything else we're asserting the</p> <p>7 privilege.</p> <p>8 MR. GREENE: All right.</p> <p>9 MR. MURRAY: That's not a legal issue. It's</p> <p>10 not giving, providing legal advice, it was</p> <p>11 providing factual information.</p> <p>12 MR. GREENE: All right.</p> <p>13 BY MR. GREENE:</p> <p>14 Q With your counsel's sort of instruction or</p> <p>15 limitation, what did you speak to Mr. Cobert about?</p> <p>16 MR. MURRAY: And I'd caution you to just</p> <p>17 talk about factual matters concerning the</p> <p>18 corporate structure.</p> <p>19 A So Stuart Cobert is our in-house counsel.</p> <p>20 He is part of our legal team based in Englewood</p> <p>21 Cliffs, New Jersey. He reports to we are some</p> <p>22 hierarchy to our leadership team based in New Jersey</p> <p>23 here.</p> <p>24 Q And what did you talk to him about?</p> <p>25 MR. MURRAY: Again, limited to the factual</p>	<p style="text-align: right;">20</p> <p>1 A That's attorney-client privilege.</p> <p>2 Q Okay. And I think what your counsel is</p> <p>3 saying, a part of it, because it was in preparation</p> <p>4 for deposition, was not attorney-client privilege, and</p> <p>5 that's the part I'm trying to ask about.</p> <p>6 So, my understanding is, you talked about</p> <p>7 certain matters involving attorney-client privilege,</p> <p>8 and I'm not going to ask about those, you understand?</p> <p>9 A I do.</p> <p>10 Q Okay. Then my understanding is you also</p> <p>11 discussed certain factual matters that your counsel is</p> <p>12 not claiming privilege on concerning, for example,</p> <p>13 corporate structure?</p> <p>14 A Corporate structure, correct.</p> <p>15 Q Okay. What did Mr. Cobert tell you about</p> <p>16 corporate structure?</p> <p>17 A So in terms of corporate structure he -- we</p> <p>18 already know that he supports our procurement</p> <p>19 organization for various legal matters, including</p> <p>20 litigation, including contracts and various legal</p> <p>21 matters comes out of our organization. He is our</p> <p>22 business partner. He supports us on those matters.</p> <p>23 MR. MURRAY: Maybe it would help if I talk</p> <p>24 to the colleague off the record and I talk to</p> <p>25 him.</p>
<p style="text-align: right;">19</p> <p>1 matters about corporate organization.</p> <p>2 A So he is my in-house attorney and he advises</p> <p>3 and helps and supports our organization for various</p> <p>4 legal matters.</p> <p>5 Q Okay. And I understand, I'm asking you --</p> <p>6 and maybe my question isn't clear -- you discussed</p> <p>7 certain factual matters with him, correct?</p> <p>8 A We have gone over this case.</p> <p>9 MR. MURRAY: Don't -- don't talk about the</p> <p>10 case, talk about the corporate structure</p> <p>11 information that was provided to you, which are</p> <p>12 the factual matters that were discussed.</p> <p>13 A Stuart is part of our noncommittal</p> <p>14 leadership team and he provides counsel on legal</p> <p>15 matters, help to our organization, procurement</p> <p>16 organization.</p> <p>17 Q And what factual matters did Mr. Cobert talk</p> <p>18 to you about in preparation for your deposition?</p> <p>19 A Once again, he's part of our legal team. He</p> <p>20 provides support for the various legal matters to our</p> <p>21 procurement organization.</p> <p>22 Q Okay. And I'm trying to be as clear as I</p> <p>23 can. You're describing what Mr. Cobert does and what</p> <p>24 his role is, and I appreciate that. But you had a</p> <p>25 conversation with Mr. Cobert, correct?</p>	<p style="text-align: right;">21</p> <p>1 MR. GREENE: Let's go off the record,</p> <p>2 please.</p> <p>3 MR. MURRAY: If you want to, you know -- I</p> <p>4 mean, I can represent to you he talked to and he</p> <p>5 explained the legal --</p> <p>6 MR. GREENE: Let's wait and let the</p> <p>7 videographer sign off.</p> <p>8 THE VIDEOGRAPHER: The time is 9:12 a.m.</p> <p>9 We're going off the record.</p> <p>10 (Whereupon, off the record.)</p> <p>11 (Whereupon, resumed.)</p> <p>12 THE VIDEOGRAPHER: The time is 9:14 a.m.,</p> <p>13 and we're back on the record.</p> <p>14 BY MR. GREENE:</p> <p>15 Q We talked about your conversations with</p> <p>16 Mr. Cobert, correct?</p> <p>17 A Correct.</p> <p>18 Q Okay. And what factual matters did you</p> <p>19 discuss with Mr. Cobert in preparation for your</p> <p>20 deposition?</p> <p>21 A So with Stuart we'd gone over our, how our</p> <p>22 organization is structured. For example, Conopco is</p> <p>23 my employer and Conopco is a subsidiary of Unilever</p> <p>24 United States. And then, you know, the mother company</p> <p>25 over here in the United States he told is Unilever PLC</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

7 (Pages 22 to 25)

<p style="text-align: right;">22</p> <p>1 and BV.</p> <p>2 Q I want to make sure I understood the last</p> <p>3 part. Is it the mother company of Unilever United</p> <p>4 States is Unilever PLC; is that correct?</p> <p>5 A PLC and also Unilever Dutch company is</p> <p>6 called Unilever BV.</p> <p>7 Q BV?</p> <p>8 A B as in boy, V as in Victor.</p> <p>9 Q BV. Okay. And you are employed by Conopco,</p> <p>10 Inc.?</p> <p>11 A That's correct.</p> <p>12 Q And have you been employed by Conopco, Inc.</p> <p>13 since you joined this organization?</p> <p>14 A That's correct.</p> <p>15 Q You were never employed by Unilever --</p> <p>16 A No.</p> <p>17 Q -- separate from Conopco?</p> <p>18 A No.</p> <p>19 Q Regarding factual matters, did you speak to</p> <p>20 Mr. Cobert about anything else?</p> <p>21 MR. MURRAY: Objection. Attorney-client</p> <p>22 privilege. That's the only -- that's the only</p> <p>23 thing that I'm aware of that I'm not asserting</p> <p>24 the privilege on. And, and you're --</p> <p>25 MR. GREENE: Okay.</p>	<p style="text-align: right;">24</p> <p>1 to five, five minutes to half an hour.</p> <p>2 Q And you said once or twice on the phone,</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q When did the phone calls take place?</p> <p>6 A Several weeks ago.</p> <p>7 Q Prior to those phone calls, had you ever</p> <p>8 spoken to Mr. Murray before?</p> <p>9 A Not -- not face to face and not on phone,</p> <p>10 no.</p> <p>11 Q Had you ever spoken to him at all?</p> <p>12 A No.</p> <p>13 Q Prior to a few weeks ago, had you ever</p> <p>14 spoken to any of the lawyers who are representing</p> <p>15 Conopco in this lawsuit?</p> <p>16 A Not for this lawsuit in particular, no.</p> <p>17 Q So, was the first time you talked to any</p> <p>18 lawyers about this litigation a few weeks ago?</p> <p>19 A Correct.</p> <p>20 Q Daga, do I have that right?</p> <p>21 A Daga, yeah.</p> <p>22 Q Sorry, I want to make sure I pronounce it</p> <p>23 correctly.</p> <p>24 A Sure.</p> <p>25 Q Could you give me your educational</p>
<p style="text-align: right;">23</p> <p>1 MR. MURRAY: You're getting into</p> <p>2 distinctions between factual and legal advice and</p> <p>3 confusing the witness. But that I can represent</p> <p>4 that's the only, the only factual thing that we</p> <p>5 asked Mr. Cobert about.</p> <p>6 Q Well, is that the only factual matter you</p> <p>7 discussed in preparation for your deposition?</p> <p>8 A We --</p> <p>9 MR. MURRAY: Objection.</p> <p>10 A -- discussed organization matters with</p> <p>11 Stuart Cobert.</p> <p>12 Q You said that you met with Mr. Murray; is</p> <p>13 that correct?</p> <p>14 A That's correct.</p> <p>15 Q How many times did you meet with Mr. Murray</p> <p>16 in preparation for the deposition?</p> <p>17 A Face to face or on the phone?</p> <p>18 Q Either one.</p> <p>19 A Once face to face yesterday, and once or</p> <p>20 twice on the phone.</p> <p>21 Q How long was the meeting yesterday?</p> <p>22 A Yesterday meeting was, let's call it, three</p> <p>23 hours.</p> <p>24 Q Okay. And how long were the phone calls?</p> <p>25 A Phone calls were ranging from half an hour</p>	<p style="text-align: right;">25</p> <p>1 background?</p> <p>2 A So I'll start from backwards. I am MBA in</p> <p>3 finance. Prior to that -- because I did that in</p> <p>4 Texas. Prior to that my education was in India.</p> <p>5 Q Did you grow up in India?</p> <p>6 A I came to this country in 1983.</p> <p>7 Q How old were you at that point?</p> <p>8 A Twenty-three.</p> <p>9 Q What education did you already have at the</p> <p>10 time that you came to the United States in 1983?</p> <p>11 A So I had undergraduate in commerce.</p> <p>12 Q What education did you get after you arrived</p> <p>13 in the country?</p> <p>14 A MBA.</p> <p>15 Q Okay. And you said Texas, what school in</p> <p>16 Texas?</p> <p>17 A Sul Ross State University. So S-u-I, next</p> <p>18 word Ross, R-o-double S, State University.</p> <p>19 Q Is the first word S-u-I?</p> <p>20 A Correct.</p> <p>21 Q Sul Ross.</p> <p>22 A Sul Ross.</p> <p>23 Q State?</p> <p>24 A Yes.</p> <p>25 Q And you got an MBA in finance?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

8 (Pages 26 to 29)

<p style="text-align: right;">26</p> <p>1 A That's correct.</p> <p>2 Q Okay. And what year did you get that</p> <p>3 degree?</p> <p>4 A December 1983.</p> <p>5 Q Do you have any education, any education</p> <p>6 after you received your MBA in finance?</p> <p>7 A No.</p> <p>8 Q Okay. What did you do after you obtained</p> <p>9 your MBA in finance in 1983?</p> <p>10 A So I was employed by a company in Chicago.</p> <p>11 Q What was the company?</p> <p>12 A The company name back then was Universal</p> <p>13 Edible Oils, Inc.</p> <p>14 Q Universal Edible Oils, Inc.?</p> <p>15 A Correct.</p> <p>16 Q I have to ask: What was Universal Edible</p> <p>17 Oils, Inc.?</p> <p>18 A So they processed vegetable oils.</p> <p>19 Q Vegetable oils. Okay. What did you do for</p> <p>20 them?</p> <p>21 A I had various jobs, all of them were in</p> <p>22 procurement.</p> <p>23 Q Procurement. What did you buy?</p> <p>24 A I bought oils, vegetable oils, for company</p> <p>25 towards end.</p>	<p style="text-align: right;">28</p> <p>1 Q All right. And when you joined Conopco --</p> <p>2 and we've established you went to work for Conopco,</p> <p>3 Inc.; is that correct?</p> <p>4 A Conopco, Inc.</p> <p>5 Q All right. And what was your position when</p> <p>6 you joined Conopco, Inc. in 1994?</p> <p>7 A Transportation manager.</p> <p>8 Q How long did you have that position?</p> <p>9 A Three years.</p> <p>10 Q What did you do as transportation manager?</p> <p>11 A I managed transportation and logistics of</p> <p>12 one of the plants Conopco had in U.S.</p> <p>13 Q Which plant is that?</p> <p>14 A A place called Channahon, Illinois.</p> <p>15 C-h-a-n-n-o-h-o-n. H-a-n maybe. Channahon, Illinois.</p> <p>16 Q Well, what is produced in Channahon,</p> <p>17 Illinois?</p> <p>18 A Vegetable oils.</p> <p>19 Q And what does the transportation manager for</p> <p>20 Channahon, Illinois do?</p> <p>21 A They negotiate transportation rates from</p> <p>22 trucking company. They manage the transportation of</p> <p>23 the plant.</p> <p>24 Q During that period from 1994 to 1997, did</p> <p>25 you have any procurement responsibilities?</p>
<p style="text-align: right;">27</p> <p>1 Q How long did you have that position? I'm</p> <p>2 sorry. What was the position?</p> <p>3 A Call me purchasing manager.</p> <p>4 Q Budgeting manager?</p> <p>5 A Purchasing manager.</p> <p>6 Q And did you have any other positions at</p> <p>7 Universal Edible Oils, Inc.?</p> <p>8 A I was also cost accountant.</p> <p>9 Q Okay. Anything else at that -- any other</p> <p>10 positions at that company?</p> <p>11 A No.</p> <p>12 Q Did you start there in 1983?</p> <p>13 A I started there in '84.</p> <p>14 Q Okay. What did you do between your</p> <p>15 graduation in '83 and '84?</p> <p>16 A I was looking for jobs.</p> <p>17 Q Okay. In 1984 did you end your employment</p> <p>18 at Universal Edible Oils, Inc.?</p> <p>19 A No. I worked there till --</p> <p>20 Q I'm sorry.</p> <p>21 A -- 1994.</p> <p>22 Q 1984 to 1994?</p> <p>23 A Correct. 1984 to 1994 I worked there.</p> <p>24 Q Okay. And what happened in 1994?</p> <p>25 A I joined Conopco.</p>	<p style="text-align: right;">29</p> <p>1 A Transportation procurement.</p> <p>2 Q Other than transportation procurement.</p> <p>3 A No.</p> <p>4 Q Okay. Okay. And, then, so we're up to</p> <p>5 1997. Did you get a new position in 1997?</p> <p>6 A Within Conopco, that's correct.</p> <p>7 Q Okay. And so, again, still working for</p> <p>8 Conopco, Inc., correct?</p> <p>9 A Correct.</p> <p>10 Q What was your position in 1997?</p> <p>11 A Oil buying manager.</p> <p>12 Q Oil buying manager?</p> <p>13 A Correct. At the plant in Englewood Cliffs,</p> <p>14 New Jersey.</p> <p>15 Q And what did you do as the oil buying</p> <p>16 manager?</p> <p>17 A I bought oils for company, for my employer.</p> <p>18 Q And who were the end users within your</p> <p>19 company of the oils that you purchased?</p> <p>20 A Our internal plants.</p> <p>21 Q For what products would you buy oils?</p> <p>22 A Margarine. For dressing. For sauce. Those</p> <p>23 were the main users back then in '97.</p> <p>24 Q What was your -- you said your title, was</p> <p>25 your title oil buying manager?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

9 (Pages 30 to 33)

<p style="text-align: right;">30</p> <p>1 A Correct.</p> <p>2 Q Who did you report to?</p> <p>3 A A gentleman by the name of Rich Connors.</p> <p>4 Q What was his position?</p> <p>5 A Director of purchasing.</p> <p>6 Q Director of purchasing?</p> <p>7 A Correct.</p> <p>8 Q To your understanding, then, is Mr. Connors</p> <p>9 in charge of all the buying managers of all the</p> <p>10 products?</p> <p>11 A No, only commodities.</p> <p>12 Q Okay. What is a commodity?</p> <p>13 A Commodity is like vegetable oil, vegetables,</p> <p>14 sugar.</p> <p>15 Q What are examples of products that would be</p> <p>16 purchased by Conopco that are not commodities?</p> <p>17 A Packaging material. Office supplies.</p> <p>18 Ingredients.</p> <p>19 Q When you say ingredients, is ingredients a</p> <p>20 non-commodity?</p> <p>21 A Correct.</p> <p>22 Q Okay. How do you distinguish between -- how</p> <p>23 does -- to your understanding, how does Conopco</p> <p>24 distinguish between a commodity and an ingredient</p> <p>25 that's not a commodity?</p>	<p style="text-align: right;">32</p> <p>1 Q Soybean?</p> <p>2 A Uh-hum.</p> <p>3 Q Any other examples?</p> <p>4 A That's all I can recall.</p> <p>5 Q What are emulsifiers?</p> <p>6 A Emulsifier is an ingredient which helps in</p> <p>7 flavor profile or keeps the product intact. I'm not</p> <p>8 the technical person, so I may not be telling you the</p> <p>9 right description, but it's an ingredient which is</p> <p>10 part of our product.</p> <p>11 Q And who were the major suppliers of the oil</p> <p>12 that you purchased when you were oil buying manager?</p> <p>13 A Company like Archer Daniels Midland.</p> <p>14 Cargill. They are two examples.</p> <p>15 Q How long were you oil buying manager?</p> <p>16 A Until approximately 2000.</p> <p>17 Q Did you take a new role in 2000?</p> <p>18 A Correct.</p> <p>19 Q What role did you assume in 2000?</p> <p>20 A They call me purchasing manager.</p> <p>21 Q Still in -- still working for Conopco?</p> <p>22 A Correct.</p> <p>23 Q Inc.?</p> <p>24 A Correct.</p> <p>25 Q Still in New Jersey?</p>
<p style="text-align: right;">31</p> <p>1 A That's an internal grouping, we did that,</p> <p>2 there was no hard-and-fast rule. Basically, so</p> <p>3 wherever there is the market, established market,</p> <p>4 exchange-based market, we call them as a commodity.</p> <p>5 Q And if it's not an exchange-based market,</p> <p>6 then you call it an ingredient?</p> <p>7 A Not necessarily, that's one of the examples.</p> <p>8 So it was not clear hard-and-fast rule what's</p> <p>9 considered commodity in what we call internal</p> <p>10 grouping, so.</p> <p>11 Q What are examples of ingredients that are</p> <p>12 not treated as commodities?</p> <p>13 A For example, protein. Emulsifiers. Two</p> <p>14 examples.</p> <p>15 Q What are protein for purposes of buying?</p> <p>16 A Protein, we use protein in our product, soy</p> <p>17 protein. That's one of the examples.</p> <p>18 Q Is that the name of the product that you</p> <p>19 would buy?</p> <p>20 A No, protein is a very generic description.</p> <p>21 Q So can you give me an example of a protein</p> <p>22 that Conopco would buy?</p> <p>23 A Soybean protein.</p> <p>24 Q What?</p> <p>25 A Soybean protein.</p>	<p style="text-align: right;">33</p> <p>1 A Correct.</p> <p>2 Q Okay. What was your job as budgeting</p> <p>3 manager?</p> <p>4 A Purchasing manager.</p> <p>5 MR. MURRAY: You're not understanding. He</p> <p>6 said purchasing manager.</p> <p>7 MR. GREENE: I'm -- I'm terribly sorry.</p> <p>8 I'll try and listen better.</p> <p>9 THE WITNESS: Maybe it's my accent maybe.</p> <p>10 MR. GREENE: You know, I should --</p> <p>11 Mr. Murray understood you, so I'll do my best.</p> <p>12 BY MR. GREENE:</p> <p>13 Q You were purchasing manager?</p> <p>14 A Correct.</p> <p>15 Q I'm sorry. Okay. And what was your -- what</p> <p>16 were your responsibilities as purchasing manager?</p> <p>17 A I was purchasing various material, it was</p> <p>18 one of the materials.</p> <p>19 Q What was one of the materials?</p> <p>20 A Eggs.</p> <p>21 Q Eggs. Okay. But you were purchasing other</p> <p>22 materials as well?</p> <p>23 A Correct.</p> <p>24 Q What else were you purchasing?</p> <p>25 A Flour. Flour.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

10 (Pages 34 to 37)

<p style="text-align: right;">34</p> <p>1 Q Flour.</p> <p>2 A Rice.</p> <p>3 Q Who did you report to in your position as</p> <p>4 purchasing manager?</p> <p>5 A I still reported to Rich Connors.</p> <p>6 Q Is Mr. Connors also located in New Jersey?</p> <p>7 A He was.</p> <p>8 Q At that time?</p> <p>9 A That time.</p> <p>10 Q Is he still with the company?</p> <p>11 A No.</p> <p>12 Q When did he leave the company?</p> <p>13 A He retired somewhere in mid-2000, I don't</p> <p>14 know exactly.</p> <p>15 Q How much -- when you were purchasing manager</p> <p>16 in 2000 -- let me just -- I'm going to go forward for</p> <p>17 a second.</p> <p>18 A Okay.</p> <p>19 Q After you were purchasing manager in 2000,</p> <p>20 when did you get your next position?</p> <p>21 A I was always purchasing manager, they call</p> <p>22 me. We had changes in title, so some of the title</p> <p>23 we've used: Group purchasing managers. Supply</p> <p>24 managers. So --</p> <p>25 Q Did there -- I'm sorry, I didn't want to cut</p>	<p style="text-align: right;">36</p> <p>1 Q A percentage, some, some sense of how much</p> <p>2 of your time you spent on egg products versus other</p> <p>3 products.</p> <p>4 A I'll say one-third for egg product.</p> <p>5 Q And what about the other two-thirds?</p> <p>6 A Flour. Rice.</p> <p>7 Q And was that fraction one-third about the</p> <p>8 same throughout the period from 2000 to 2007?</p> <p>9 A It depends. It changes. It depends on what</p> <p>10 issue you deal with. How easy, how complex is market,</p> <p>11 so there is no fixed rule for year.</p> <p>12 Q But was there -- over time from 2000 to</p> <p>13 2007, would you say that you spent roughly the same</p> <p>14 amount of your time on egg products in the early</p> <p>15 period as you did in the late period?</p> <p>16 A Depends. Egg was a decent material for us,</p> <p>17 and about one-third, I'll say that, for some group.</p> <p>18 Q When you say it was a decent material, what</p> <p>19 do you mean?</p> <p>20 A Means it's important material for us.</p> <p>21 Especially after we acquired Hellmann's.</p> <p>22 Q And when was that?</p> <p>23 A Approximately 2000.</p> <p>24 Q What was the significance of that for</p> <p>25 someone buying egg products?</p>
<p style="text-align: right;">35</p> <p>1 you off.</p> <p>2 A Yeah. So those were my titles for fairly</p> <p>3 long time.</p> <p>4 Q So from 2000 -- I think we said in 2007</p> <p>5 Mr. Woods took over for you as egg buyer, correct?</p> <p>6 A Correct.</p> <p>7 Q All right. Between 2000 and 2007, was your</p> <p>8 title always either purchasing manager or group</p> <p>9 purchasing manager?</p> <p>10 A Or supply manager.</p> <p>11 Q Or supply manager?</p> <p>12 A Correct.</p> <p>13 Q One of those titles?</p> <p>14 A Correct.</p> <p>15 Q Okay. During that period from 2000 to 2007,</p> <p>16 during that entire period, was one of your</p> <p>17 responsibilities egg and egg product purchases?</p> <p>18 A Egg products.</p> <p>19 Q But that was one of your responsibilities</p> <p>20 throughout the period from 2000 to 2007?</p> <p>21 A Correct.</p> <p>22 Q And what portion of your job consisted of</p> <p>23 purchasing egg products as distinguished from the</p> <p>24 other things that you purchased?</p> <p>25 A You're asking in terms of number?</p>	<p style="text-align: right;">37</p> <p>1 A Egg is a very important ingredient for</p> <p>2 Hellmann's.</p> <p>3 Q And you're referring to the mayonnaise?</p> <p>4 A Hellmann mayonnaise.</p> <p>5 Q Any other Hellmann products that you're</p> <p>6 referring to or just the mayonnaise?</p> <p>7 A Mayonnaise is what we acquired when we</p> <p>8 acquired Best Food.</p> <p>9 Q When you say what?</p> <p>10 A We acquired a company by the name of Best</p> <p>11 Foods in 2000.</p> <p>12 Q And Best Foods owned the Hellmann's name?</p> <p>13 A Yes.</p> <p>14 Q Prior to that time, did Unilever have a</p> <p>15 mayonnaise product?</p> <p>16 A No.</p> <p>17 Q Prior to 2000, did Unilever buy egg</p> <p>18 products?</p> <p>19 A Yes.</p> <p>20 Q For what product -- for what end products?</p> <p>21 A Ice cream. Pasta sauce. Dressing. Pasta.</p> <p>22 Q But mayonnaise was a large item?</p> <p>23 A Correct.</p> <p>24 Q You mentioned that, when I asked you about</p> <p>25 eggs or egg products, you just focused on egg</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

11 (Pages 38 to 41)

<p style="text-align: right;">38</p> <p>1 products. Does -- during your period 2000 to 2007, 2 did Conopco also buy shell eggs?</p> <p>3 A No.</p> <p>4 MR. GREENE: I'm going to ask the court 5 reporter to mark as Daga Exhibit 1 the Second 6 Amended Complaint and Demand for Jury Trial. 7 (Second Amended Complaint and Demand for 8 Jury Trial (later withdrawn) marked as Daga 9 Exhibit 1, as of this date.)</p> <p>10 MR. MURRAY: You know, this document was 11 filed under seal because it was confidential 12 information in it related to other companies 13 besides your company, and this is an unredacted 14 version.</p> <p>15 MR. GREENE: Well, do you object to 16 introducing? We're under the protective order 17 here. We would have had --</p> <p>18 MR. MURRAY: Yeah, but I'm not sure that the 19 protective order covers showing a document like 20 this with other companies' information to this 21 witness. It's not my issue, but I'm just raising 22 that.</p> <p>23 BY MR. GREENE:</p> <p>24 Q All right. Well, I'm going to read -- your 25 counsel is concerned about the fact that this is filed</p>	<p style="text-align: right;">40</p> <p>1 A To the best of my knowledge, we have not 2 bought any shell eggs.</p> <p>3 MR. GREENE: I'll mark as Daga Exhibit -- I 4 don't know if we should say 1 or 2 at this point. 5 Why don't we, just to avoid confusion on the 6 record, we'll call it Daga Exhibit 2, but the 7 exhibits should start with number 2.</p> <p>8 MR. MURRAY: All right.</p> <p>9 MR. GREENE: I'm going to show you Daga 10 Exhibit No. 2. 11 (Defendants' Notice of Deposition to 12 Plaintiff Conopco, Inc. Pursuant to Fed. R. 13 Civ. P. 30(b)(6) marked as Daga Exhibit 2, as 14 of this date.)</p> <p>15 A (Reviews.)</p> <p>16 Q Mr. Daga, have you seen Exhibit 2 before?</p> <p>17 MR. GREENE: This is -- just for the record, 18 this is Defendants' Notice of Deposition to 19 Plaintiff Conopco, Inc. Pursuant to Federal Rule 20 of Civil Procedure 30(b)(6).</p> <p>21 A The document sound familiar to me.</p> <p>22 Q And you'll see that there is an exhibit with 23 a list of topics that begins four or five pages in. 24 Do you see that?</p> <p>25 A Correct.</p>
<p style="text-align: right;">39</p> <p>1 under seal.</p> <p>2 MR. MURRAY: I'm pointing it out to you, 3 you're the one that would need to have the 4 concern.</p> <p>5 BY MR. GREENE:</p> <p>6 Q So, I'm going to withdraw the exhibit. I'm 7 going to represent to you -- and your counsel will 8 have the document -- this is the Second Amended 9 Complaint and Demand for Jury Trial of a group of 10 plaintiffs that includes Conopco, Inc. Okay?</p> <p>11 It's dated February 22, 2013, and I'm going 12 to read Paragraph 100 into the record, which is just 13 about Conopco.</p> <p>14 Paragraph 100 on page 40 of the Second 15 Amended Complaint and Demand for Jury Trial reads: 16 Conopco purchases primarily egg products and, to a 17 limited extent, shell eggs for incorporation into food 18 products.</p> <p>19 Mr. Daga, does Conopco purchase shell eggs 20 for incorporation into food products?</p> <p>21 A I don't recall that we have bought any shell 22 eggs.</p> <p>23 Q So, to the best of your knowledge, the 24 representation that Conopco purchased shell eggs for 25 incorporation into food products is incorrect?</p>	<p style="text-align: right;">41</p> <p>1 Q It starts with Definitions and then the 2 topics themselves start on page 4 of the exhibit. Do 3 you see that?</p> <p>4 A Correct.</p> <p>5 Q Okay. And you are the -- you understand 6 that you are the person that Conopco has identified to 7 testify on behalf of Conopco as to these topics, 8 correct?</p> <p>9 A Not all of them.</p> <p>10 Q Are there topics that you are not -- that 11 somebody else has been appointed to --</p> <p>12 MR. MURRAY: Yeah, we're going to, we're 13 going to have Mr. Langan talk about, I think, 13, 14 16 and 30, which are animal welfare issues.</p> <p>15 MR. GREENE: Okay. Was that previously 16 covered in correspondence or is that --</p> <p>17 MR. MURRAY: I'm not sure if it was.</p> <p>18 MR. GREENE: So Mr. Langan is covering 13, 19 16 and 19?</p> <p>20 MR. MURRAY: 30.</p> <p>21 MR. GREENE: I'm sorry. 13, 16 and 30?</p> <p>22 MR. MURRAY: Yes. And he'll be here on 23 Thursday.</p> <p>24 You're free to ask him questions, but he has 25 limited knowledge about.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

12 (Pages 42 to 45)

<p style="text-align: right;">42</p> <p>1 MR. GREENE: All right.</p> <p>2 MR. MURRAY: Mr. Langan is the person who</p> <p>3 would be -- that would have knowledge.</p> <p>4 MR. GREENE: You know, obviously I'll state</p> <p>5 my concern about being notified about this at</p> <p>6 this stage if there was no prior correspondence,</p> <p>7 but we'll go on.</p> <p>8 Q You are --</p> <p>9 MR. MURRAY: It's not a problem. I don't</p> <p>10 see how it's a problem at all.</p> <p>11 MR. GREENE: All right.</p> <p>12 BY MR. GREENE:</p> <p>13 Q Let's -- you are being identified -- you are</p> <p>14 the corporate representative for the other topics,</p> <p>15 correct?</p> <p>16 A For other than 13, 16 and 30.</p> <p>17 Q Right. So for number 7, for example, when</p> <p>18 the topic says: From 1999 to the present, the type of</p> <p>19 eggs, specialty eggs, and egg products Conopco</p> <p>20 purchased or otherwise acquired, including but limited</p> <p>21 to the following, you're the corporate representative</p> <p>22 for that topic, correct?</p> <p>23 A Yes.</p> <p>24 Q Okay. And it's your testimony as corporate</p> <p>25 representative that Conopco did not purchase shell</p>	<p style="text-align: right;">44</p> <p>1 Q Who else?</p> <p>2 A Mr. Peter Goggi. G-o-g-g-i.</p> <p>3 Q When did he begin to supervise you?</p> <p>4 A After Mr. Connors left.</p> <p>5 Q When was that?</p> <p>6 A Somewhere around mid-2000.</p> <p>7 Q Mid?</p> <p>8 A Mid-2000.</p> <p>9 Q Mid the year 2000?</p> <p>10 A Correct. So I'll say between 2004/5, I</p> <p>11 don't know approximately what year or month.</p> <p>12 Q Okay. So approximately 2004 or 2005?</p> <p>13 A Correct.</p> <p>14 Q Okay. Other than Mr. Connors during that</p> <p>15 earlier period and Mr. Goggi during the later period,</p> <p>16 did anyone else supervise you?</p> <p>17 A No.</p> <p>18 Q Are you aware that, that Conopco has filed a</p> <p>19 lawsuit against a number of entities, including United</p> <p>20 Egg Producers and a number of egg producers?</p> <p>21 A Yes.</p> <p>22 Q Are you aware of that lawsuit?</p> <p>23 A Yes.</p> <p>24 Q What's your understanding of the allegations</p> <p>25 in that lawsuit?</p>
<p style="text-align: right;">43</p> <p>1 eggs?</p> <p>2 A Yes.</p> <p>3 Q Can you tell me when you were either the</p> <p>4 purchasing manager or group purchasing manager</p> <p>5 responsible for egg products from 2000 to 2007, did</p> <p>6 you have anybody working with you in that role?</p> <p>7 A For the period of time I had assistant.</p> <p>8 Q Who was the assistant?</p> <p>9 A Her name was -- is Lisa Toriello.</p> <p>10 Q Can you spell that?</p> <p>11 A T-o-r-e-i-l-l-o. For a very brief period.</p> <p>12 Q Do you know when that was?</p> <p>13 A It was towards the end.</p> <p>14 Q "Towards the end" meaning towards 2007?</p> <p>15 A Correct.</p> <p>16 Q She was your assistant?</p> <p>17 A She was my assistant.</p> <p>18 Q Did anybody else work with you in connection</p> <p>19 with egg products purchasing during that period 2000</p> <p>20 to 2007?</p> <p>21 A I don't recall anybody else who worked for</p> <p>22 me.</p> <p>23 Q Did anyone supervise you during that period</p> <p>24 other than Mr. Connors?</p> <p>25 A Yes.</p>	<p style="text-align: right;">45</p> <p>1 A It's in the complaint filed.</p> <p>2 Q Right. Do you have an understanding of the</p> <p>3 allegations?</p> <p>4 A I have somewhat understanding of the</p> <p>5 allegation.</p> <p>6 Q What is your understanding?</p> <p>7 A My understanding is that there was a first</p> <p>8 made to string the supply of eggs.</p> <p>9 (Whereupon, request to repeat.)</p> <p>10 THE WITNESS: Sorry.</p> <p>11 A My understanding was that there was a first</p> <p>12 to cut down the supply of eggs with the intent that</p> <p>13 price will increase.</p> <p>14 Q Have you talked to anyone at Conopco -- and</p> <p>15 by Conopco I mean any affiliate or subsidiary</p> <p>16 included -- about this lawsuit?</p> <p>17 MR. MURRAY: And -- okay, you can answer</p> <p>18 that.</p> <p>19 A Not other than the people who I mentioned</p> <p>20 earlier.</p> <p>21 Q The people -- you mentioned that you</p> <p>22 prepared for the deposition and I think you indicated</p> <p>23 you spoke to four individuals?</p> <p>24 A Correct.</p> <p>25 Q Okay. And you mentioned that you talked to</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

13 (Pages 46 to 49)

<p style="text-align: right;">46</p> <p>1 Mr. Murray?</p> <p>2 A Correct.</p> <p>3 Q Okay. Other than those individuals in</p> <p>4 preparing for your deposition, and other than</p> <p>5 Mr. Murray, have you talked to anybody about this</p> <p>6 lawsuit?</p> <p>7 A No.</p> <p>8 Q When the lawsuit was commenced in 2010, were</p> <p>9 you made aware of the lawsuit before it was filed?</p> <p>10 A I was -- I was told to retain all the</p> <p>11 documents in my file and folders in that connection.</p> <p>12 I was told to make sure that we have good retention of</p> <p>13 the document I was in possession in my electronic</p> <p>14 folders.</p> <p>15 Q Okay. Other than being told to preserve</p> <p>16 documents, did anyone talk to you about this lawsuit</p> <p>17 before it was filed in 2010?</p> <p>18 A I don't recall anybody had talked to me</p> <p>19 about lawsuit.</p> <p>20 Q Do you recall when the preservation notice</p> <p>21 was sent to you?</p> <p>22 A Various times.</p> <p>23 Q The first time?</p> <p>24 A Regularly. I don't recall the first time,</p> <p>25 but we have internal retention policy, so we were</p>	<p style="text-align: right;">48</p> <p>1 MR. MURRAY: Objection, asked and answered.</p> <p>2 A I don't know.</p> <p>3 Q Do you recall talking to anybody about the</p> <p>4 case in 2013?</p> <p>5 MR. MURRAY: Objection, asked and answered.</p> <p>6 A Outside the people I mentioned.</p> <p>7 Q You've mentioned the four people you spoke</p> <p>8 to and Mr. Murray, correct?</p> <p>9 A Correct.</p> <p>10 Q Okay. Do you have any reason to believe</p> <p>11 that you spoke to any of those individuals prior to</p> <p>12 2014?</p> <p>13 A I don't recall.</p> <p>14 Q But did you speak to any of them prior to</p> <p>15 2013?</p> <p>16 A About this case or about any other matter?</p> <p>17 Q About this case.</p> <p>18 A I had no reason, so I don't recall I had</p> <p>19 spoken to them about this case.</p> <p>20 Q Well, I'll ask the question as to 2013.</p> <p>21 As you sit here today, do you recall</p> <p>22 speaking with anybody at Conopco about this case prior</p> <p>23 to 2013?</p> <p>24 A Outside those people, including my in-house</p> <p>25 legal counsel.</p>
<p style="text-align: right;">47</p> <p>1 advised since I was egg buyer to make sure that all my</p> <p>2 folders, electronic files are present.</p> <p>3 Q Do you know if you received the preservation</p> <p>4 notice before or after the lawsuit was filed?</p> <p>5 A I don't recall.</p> <p>6 Q Would it be fair to say that apart from</p> <p>7 assisting with document collection and preservation,</p> <p>8 you didn't speak to anybody about this lawsuit prior</p> <p>9 to 2014?</p> <p>10 A Other than individuals I had mentioned</p> <p>11 earlier.</p> <p>12 Q When did you speak to those individuals?</p> <p>13 A The last time I spoke to them was yesterday.</p> <p>14 Q Okay. My question was: Apart from document</p> <p>15 preservation and collection, did you speak with</p> <p>16 anybody at Conopco about this lawsuit prior to 2014?</p> <p>17 A I don't recall.</p> <p>18 Q To the best of your recollection the answer</p> <p>19 is no?</p> <p>20 A No.</p> <p>21 MR. MURRAY: Objection, asked and answered.</p> <p>22 A I don't recall.</p> <p>23 Q Was there anything that would refresh your</p> <p>24 recollection about whether you spoke to anyone prior</p> <p>25 to this year?</p>	<p style="text-align: right;">49</p> <p>1 Q Do you believe you spoke to those people,</p> <p>2 that is, those four people or in-house counsel before</p> <p>3 2013?</p> <p>4 A Only in-house counsel.</p> <p>5 Q Only in-house counsel?</p> <p>6 A Correct.</p> <p>7 Q Okay. And when do you believe you spoke to</p> <p>8 in-house counsel about the case?</p> <p>9 A When I was getting the notice of retention</p> <p>10 of records, I have asked about the --</p> <p>11 MR. MURRAY: Don't tell him anything you</p> <p>12 talked about.</p> <p>13 A And they've asked me to retain the document.</p> <p>14 Q Apart from document preservation and</p> <p>15 collection, and any conversations you had with counsel</p> <p>16 about document preservation and collection, have you</p> <p>17 talked to anybody about this case prior to 2013?</p> <p>18 MR. MURRAY: Objection. Don't tell him</p> <p>19 anything you talked about with in-house counsel.</p> <p>20 MR. GREENE: It's a yes, I think it's a</p> <p>21 yes-or-no question.</p> <p>22 A I don't recall.</p> <p>23 Q Who are the people that you would --</p> <p>24 withdrawn.</p> <p>25 Were there people at Conopco who you would</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

14 (Pages 50 to 53)

<p style="text-align: right;">50</p> <p>1 regularly communicate with about egg product 2 purchasing?</p> <p>3 A Various functions, various people in our 4 organization.</p> <p>5 Q Who are the people that you would 6 communicate with about egg product purchasing?</p> <p>7 MR. MURRAY: Objection, time period. 8 MR. GREENE: Well -- 9 MR. MURRAY: It's broad. 10 MR. GREENE: Yeah.</p> <p>11 Q Let's talk about categories of people. 12 As an egg products buyer, who at -- who at 13 the company would you need to talk to in order to 14 understand what it was you were buying?</p> <p>15 A Many internal functions.</p> <p>16 Q Okay. And what are those internal 17 functions?</p> <p>18 A Purchasing. Factory. Category.</p> <p>19 Q And when you say purchasing, who are the -- 20 is that different than your unit?</p> <p>21 A No, I'm part of purchasing, so my unit, my 22 immediate supervisor.</p> <p>23 Q Let's just -- let's take an example, maybe 24 that will help. 25 You said that once Hellmann's was acquired,</p>	<p style="text-align: right;">52</p> <p>1 A Correct.</p> <p>2 Q Okay. So what are those people called? 3 What position would those people be?</p> <p>4 A So, I told you marketing. The factory 5 people. Research and development.</p> <p>6 Q What are -- what is -- what is research and 7 development in the context of Hellmann's Mayonnaise?</p> <p>8 A These people they develop finished product. 9 They make the developed finished product. So egg is 10 an ingredient in this finished product, so they are my 11 business partner.</p> <p>12 Q Research and development people associated 13 with Hellmann's are the ones that develop the finished 14 product, correct?</p> <p>15 A They play a role.</p> <p>16 Q Okay. Are they -- and who -- during this 17 period 2000 to 2007, who are these people, who were 18 these research and development people?</p> <p>19 A Research and development people.</p> <p>20 Q Can you give me names of people in that 21 position?</p> <p>22 A I don't recall their names.</p> <p>23 Q Okay. Let me give you names and see if they 24 ring a bell. Don Hamm? 25 A Sounds familiar.</p>
<p style="text-align: right;">51</p> <p>1 one of your responsibilities was to buy egg products 2 to be used in mayonnaise; is that correct?</p> <p>3 A Yes.</p> <p>4 Q Okay. So were there people associated with 5 Hellmann's mayonnaise that you would talk to about the 6 egg products you were going to be buying?</p> <p>7 A Category people.</p> <p>8 Q They're called category people?</p> <p>9 A Correct.</p> <p>10 Q And when you say "category people," what 11 kind of people are you referring to?</p> <p>12 A Category people, Hellmann category people.</p> <p>13 Q And what are Hellmann category people, to 14 your understanding what is their job?</p> <p>15 A Marketing.</p> <p>16 Q What about the people, are there people at 17 Unilever who are responsible for the production of the 18 mayonnaise?</p> <p>19 A Yes.</p> <p>20 Q Okay. So someone has to figure out all the 21 ingredients that go into the mayonnaise, correct?</p> <p>22 A Correct.</p> <p>23 Q And those people work with you to help 24 identify the egg products that are to be used to make 25 the mayonnaise?</p>	<p style="text-align: right;">53</p> <p>1 Q But you're not -- it doesn't -- you're not 2 sure?</p> <p>3 A I've worked with Don Hamm.</p> <p>4 Q In what capacity did you work with Mr. Hamm?</p> <p>5 A Research and development.</p> <p>6 Q So he's a research and development person?</p> <p>7 A Correct.</p> <p>8 Q And did he work in connection with 9 mayonnaise?</p> <p>10 A Correct.</p> <p>11 Q Okay. Do you know what his position was?</p> <p>12 A I don't recall exact title.</p> <p>13 Q What kind of background, to your 14 understanding, what kind of background or training do 15 the research and development people have?</p> <p>16 A Not too sure, it's very specific, it varies.</p> <p>17 Q Do they have technical background?</p> <p>18 A They probably do.</p> <p>19 Q Are there sort of technical tests that are 20 involved in being in research and development?</p> <p>21 A Yes.</p> <p>22 Q Okay. I assume these products have to be 23 tested for various reasons?</p> <p>24 A Yes.</p> <p>25 Q What about Mr. Tom Merolla?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

15 (Pages 54 to 57)

<p style="text-align: right;">54</p> <p>1 A Yes.</p> <p>2 Q What is -- what was his position?</p> <p>3 A Research and development.</p> <p>4 Q Okay. And were both Mr. Hamm and</p> <p>5 Mr. Merolla involved with particular products?</p> <p>6 A Mayonnaise.</p> <p>7 Q Mayonnaise. Is mayonnaise the largest --</p> <p>8 withdrawn.</p> <p>9 Is mayonnaise the largest single client for</p> <p>10 egg product purchases at Unilever?</p> <p>11 A Yes.</p> <p>12 Q What portion of all egg product purchases go</p> <p>13 to -- go into mayonnaise?</p> <p>14 A I'm guessing greater than 75 percent.</p> <p>15 MR. GREENE: I'm going to show you what's</p> <p>16 going to be marked as Daga Exhibit 3.</p> <p>17 (Direct Action Plaintiff Conopco, Inc.'s</p> <p>18 Statement of Affiliates marked as Daga Exhibit</p> <p>19 3, as of this date.)</p> <p>20 BY MR. GREENE:</p> <p>21 Q Mr. Daga, if you look at Exhibit No. 2, the</p> <p>22 30(b)(6) deposition, the last page. Just look at</p> <p>23 Exhibit 2 for a moment.</p> <p>24 You'll see that Topics 32 and 33 concern</p> <p>25 corporate structure and affiliates. Do you see that?</p>	<p style="text-align: right;">56</p> <p>1 Inc., correct?</p> <p>2 A Correct.</p> <p>3 Q And that's your -- that was your testimony</p> <p>4 earlier today as well, correct?</p> <p>5 A Correct.</p> <p>6 Q Okay. Then there's a whole -- a big list of</p> <p>7 affiliates identified under number 3. Do you see</p> <p>8 that?</p> <p>9 A Yes, I do.</p> <p>10 Q Okay. Now, to your knowledge, do any of the</p> <p>11 affiliates listed under number 3 purchase eggs or egg</p> <p>12 products?</p> <p>13 A Conopco is the entity who bought eggs.</p> <p>14 Q Conopco, Inc.?</p> <p>15 A Conopco, Inc.</p> <p>16 Q To your knowledge, did any entity affiliated</p> <p>17 with Conopco, other than Conopco, Inc., ever buy eggs</p> <p>18 or egg products?</p> <p>19 A So Ben & Jerry is one company which is not</p> <p>20 subsidiary of Conopco. They had bought eggs, but we</p> <p>21 had proxy from Ben & Jerry that I, who also was egg</p> <p>22 buyer, could buy on behalf of Ben & Jerry.</p> <p>23 Q Okay. So let me, I want to understand.</p> <p>24 When you buy -- when you were buying the egg</p> <p>25 products for Hellmann's Mayonnaise.</p>
<p style="text-align: right;">55</p> <p>1 A What page number?</p> <p>2 Q Page 14. Directing your attention to number</p> <p>3 32 and 33.</p> <p>4 A (Reviews.) Okay.</p> <p>5 Q Are you prepared to testify on those topics</p> <p>6 on behalf of Conopco?</p> <p>7 A Yes.</p> <p>8 Q All right. Let's take a look at Daga</p> <p>9 Exhibit 3.</p> <p>10 You'll see that this is a -- Daga Exhibit 3</p> <p>11 is Docket No. 503 in the docket of the case filed May</p> <p>12 6, 2011. It's Direct Action Plaintiff Conopco's</p> <p>13 Statement of Affiliates. Three-page document. Do you</p> <p>14 see that?</p> <p>15 A I do.</p> <p>16 Q And this is a -- it's signed by Mr. Blechman</p> <p>17 of Kenny Nachwalter. Have you met Mr. Blechman</p> <p>18 before?</p> <p>19 A No.</p> <p>20 Q Okay. Do you understand that Mr. Blechman</p> <p>21 is a colleague of Mr. Murray's?</p> <p>22 A Yes.</p> <p>23 Q Okay. And number 2 in this Statement of</p> <p>24 Affiliates says that Conopco, Inc. states that it is a</p> <p>25 wholly-owned subsidiary of Unilever United States,</p>	<p style="text-align: right;">57</p> <p>1 A Uh-hum.</p> <p>2 Q What was the entity that was actually buying</p> <p>3 the egg products?</p> <p>4 A Conopco.</p> <p>5 Q Conopco, Inc. Okay.</p> <p>6 And that's -- was that true for all the</p> <p>7 mayonnaise-related purchases?</p> <p>8 A Correct.</p> <p>9 Q All right. No other entity or affiliate of</p> <p>10 Conopco was buying egg products for mayonnaise?</p> <p>11 A To the best of my knowledge.</p> <p>12 Q Now, explain to me, in the case of Ben &</p> <p>13 Jerry's, when Ben & Jerry's was buying egg products,</p> <p>14 what was the entity that was buying the egg products?</p> <p>15 A Ben & Jerry's.</p> <p>16 Q Okay. Is that a separate corporation?</p> <p>17 A To the best of knowledge, yes, separate</p> <p>18 corporation.</p> <p>19 Q Okay. And what is its relationship, then,</p> <p>20 to Conopco, Inc.?</p> <p>21 A Sister company.</p> <p>22 Q Sister company?</p> <p>23 A (Witness nods.)</p> <p>24 Q So what does that mean to you?</p> <p>25 A It means they had most probably same parent.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

16 (Pages 58 to 61)

<p style="text-align: right;">58</p> <p>1 Conopco and Ben & Jerry they had same parent company.</p> <p>2 Q Parent company meaning Unilever United</p> <p>3 States, Inc.?</p> <p>4 A That's what I think.</p> <p>5 Q So Ben & Jerry's is a separate company from</p> <p>6 Conopco, Inc., they purchased egg products for Ben &</p> <p>7 Jerry's?</p> <p>8 A They have authorized Conopco employee to buy</p> <p>9 eggs for Ben & Jerry.</p> <p>10 Q Ben & Jerry's would be the buyer on the</p> <p>11 contract?</p> <p>12 A Correct.</p> <p>13 Q All right. But you're saying, Ben & Jerry's</p> <p>14 authorized Conopco and you to do the buying on behalf</p> <p>15 of Ben & Jerry's?</p> <p>16 A Correct.</p> <p>17 Q So at least in that particular instance when</p> <p>18 you were working -- when you were negotiating</p> <p>19 purchases for Ben & Jerry's, it was for Ben & Jerry's</p> <p>20 as the ultimate buyer, correct?</p> <p>21 A Correct.</p> <p>22 Q Okay. And, to your knowledge, is Ben &</p> <p>23 Jerry's a plaintiff in this lawsuit?</p> <p>24 A To the best of my knowledge they -- I'm not</p> <p>25 sure about answer to this question.</p>	<p style="text-align: right;">60</p> <p>1 A Egg product.</p> <p>2 Q Okay. And, again, I should ask the shell</p> <p>3 egg question. To your knowledge, did Ben & Jerry's</p> <p>4 buy shell eggs?</p> <p>5 A No.</p> <p>6 Q Other than Ben & Jerry's and Conopco, Inc.,</p> <p>7 were there any other Conopco-related companies that</p> <p>8 purchased egg products?</p> <p>9 A Talking U.S., outside U.S. or?</p> <p>10 Q Let's focus first on the United States.</p> <p>11 Any other Conopco-related company that</p> <p>12 purchased egg products or eggs in the United States.</p> <p>13 A To the best of my knowledge, these were the</p> <p>14 only two operating company who have bought eggs.</p> <p>15 Q Okay. As you look at the list in number 3,</p> <p>16 then, other than Ben & Jerry's -- and I say, I should</p> <p>17 say number 3 to be clear for the record.</p> <p>18 When you look at the list in item number 3</p> <p>19 within Daga Exhibit 3, the Conopco Statement of</p> <p>20 Affiliates, other than Ben & Jerry's, did any of these</p> <p>21 other companies listed buy egg products at any time?</p> <p>22 MR. MURRAY: Objection, overly broad.</p> <p>23 A I don't know.</p> <p>24 Q You have no knowledge of any company other</p> <p>25 than Ben & Jerry's purchasing egg products?</p>
<p style="text-align: right;">59</p> <p>1 Q Okay. Are you aware of any assignment of</p> <p>2 claims from Ben & Jerry's to Conopco?</p> <p>3 A Actually yes, I'm aware of that.</p> <p>4 Q Have you seen the assignment?</p> <p>5 A I was given the document very recently so</p> <p>6 I've seen the assignment.</p> <p>7 Q To your knowledge, was that document</p> <p>8 produced in the litigation?</p> <p>9 A It was produced --</p> <p>10 MR. MURRAY: Objection.</p> <p>11 A -- in litigation.</p> <p>12 MR. MURRAY: It calls for a legal</p> <p>13 conclusion. You can answer, if you know.</p> <p>14 A Yes. To the best of my knowledge, yes.</p> <p>15 Q You've seen the assignment document?</p> <p>16 A I have seen, I recall I've seen a document</p> <p>17 which resembles to what you're talking assignment</p> <p>18 document.</p> <p>19 Q From Ben & Jerry's to Conopco?</p> <p>20 A From various Unilever companies including</p> <p>21 Ben & Jerry.</p> <p>22 Q Well, you said Ben & Jerry's was an egg</p> <p>23 product buyer, correct?</p> <p>24 A Ben & Jerry do buy eggs.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">61</p> <p>1 A Conopco is a holding company.</p> <p>2 Q I'm sorry, I didn't --</p> <p>3 A Conopco is the company who have bought eggs.</p> <p>4 Q Right. I'm trying to figure out who the</p> <p>5 actual purchaser is.</p> <p>6 I think you said in connection with the</p> <p>7 mayonnaise the purchaser of the eggs is Conopco, Inc.?</p> <p>8 A Correct.</p> <p>9 Q Conopco, Inc. would be the company that</p> <p>10 signs the contract with the supplier, correct?</p> <p>11 A Correct.</p> <p>12 Q Okay. And I think you've said that Ben &</p> <p>13 Jerry's also buy egg products?</p> <p>14 A Correct.</p> <p>15 Q Okay. And I'm asking, when looking at the</p> <p>16 list in number 3, on Daga Exhibit 3, if any company</p> <p>17 listed there other than Ben & Jerry's purchased egg</p> <p>18 products.</p> <p>19 A These were all affiliates, by the way, so</p> <p>20 I'm not too familiar with our internal structure --</p> <p>21 (Whereupon, request to repeat.)</p> <p>22 A These were affiliates of Conopco and</p> <p>23 Unilever United States, so matter like this here, I'm</p> <p>24 not an expert to tell you the relation, say, between</p> <p>25 Unilever, Best Food and Conopco, I'm not privileged to</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

17 (Pages 62 to 65)

<p style="text-align: right;">62</p> <p>1 that information internally.</p> <p>2 Q You were the egg products buyer, correct?</p> <p>3 A I'm the egg product buyer.</p> <p>4 Q To your knowledge, were there any egg</p> <p>5 products purchased at Conopco or any affiliate that</p> <p>6 you were involved with?</p> <p>7 A I was responsible for all egg products</p> <p>8 bought in U.S. for Unilever. Period.</p> <p>9 Q And you've spoken to Mr. Woods about the</p> <p>10 period after you left, correct?</p> <p>11 A That's correct.</p> <p>12 Q All right. And I'm just trying to find out</p> <p>13 who the egg product buyers are. We've established</p> <p>14 Conopco, Inc. is one.</p> <p>15 A Uh-hum.</p> <p>16 Q We've established -- you've testified that</p> <p>17 Ben & Jerry's is one, correct?</p> <p>18 A Correct.</p> <p>19 Q Okay. Are there any other egg product</p> <p>20 buyers of buying egg products in the United States</p> <p>21 other than Conopco, Inc. and Ben & Jerry's?</p> <p>22 A The link mentioned here, for example,</p> <p>23 Lipton, that's a brand. So there's a difference here</p> <p>24 that Lipton is a brand and it looks like Lipton is a</p> <p>25 corporation as well.</p>	<p style="text-align: right;">64</p> <p>1 egg product buyers in the Conopco family other than</p> <p>2 Conopco, Inc. and Ben & Jerry's, correct?</p> <p>3 A Correct.</p> <p>4 Q All right.</p> <p>5 MR. MURRAY: If you're switching gears, why</p> <p>6 don't we take a break for 10 minutes.</p> <p>7 MR. GREENE: Very good, let's take a break.</p> <p>8 THE VIDEOGRAPHER: The time is 10:11 a.m.</p> <p>9 and we're going off the record.</p> <p>10 (Whereupon, off the record.)</p> <p>11 (Whereupon, resumed.)</p> <p>12 THE VIDEOGRAPHER: The time is 10:24 a.m.</p> <p>13 and we're back on the record.</p> <p>14 BY MR. GREENE:</p> <p>15 Q Okay, Mr. Daga, you understand you're still</p> <p>16 under oath?</p> <p>17 A Yes.</p> <p>18 Q Okay.</p> <p>19 MR. GREENE: I'm going to show you what will</p> <p>20 be marked as 4, Daga Exhibit 4.</p> <p>21 It is Bates numbered -- there's a lot of</p> <p>22 letters -- CPCEGED 82345 through 82346, and then</p> <p>23 there are attachments that are an xls that is</p> <p>24 Bates numbered 82347.</p> <p>25 (E-mail Exchange, Bates CPCEGED00082345 to</p>
<p style="text-align: right;">63</p> <p>1 Q Okay.</p> <p>2 A So...</p> <p>3 Q Did you buy any egg products related to</p> <p>4 Lipton?</p> <p>5 A Lipton used egg for their brands.</p> <p>6 Q Okay.</p> <p>7 A But Lipton is, to the best of my knowledge,</p> <p>8 affiliate of Conopco.</p> <p>9 Q Okay. Were you the person who bought the</p> <p>10 egg products related to the Lipton brand?</p> <p>11 A Yes.</p> <p>12 Q Okay. When you bought those egg products,</p> <p>13 were you the person who entered into the contracts?</p> <p>14 A Yes.</p> <p>15 Q Who was the egg prod -- who was the buyer on</p> <p>16 those contracts?</p> <p>17 A It means corporation or the person?</p> <p>18 Q Who was identified as the buyer? There's a</p> <p>19 buyer and seller on the contract, correct?</p> <p>20 A Okay.</p> <p>21 Q All right. Who was the buyer?</p> <p>22 A The buyer is Conopco.</p> <p>23 Q And thinking about the buyer that way.</p> <p>24 A Okay.</p> <p>25 Q Just to be clear. You're not aware of any</p>	<p style="text-align: right;">65</p> <p>1 CPCEGED00082347, marked as Daga Exhibit 4, as</p> <p>2 of this date.)</p> <p>3 BY MR. GREENE:</p> <p>4 Q Could you please take a look at Daga</p> <p>5 Exhibit 4?</p> <p>6 A Okay.</p> <p>7 Q And emails go backwards, the earliest is the</p> <p>8 latest in the document.</p> <p>9 You'll see this is an email exchange between</p> <p>10 yourself and a Carrie Champagne. Is that how you say</p> <p>11 the name?</p> <p>12 A Yes.</p> <p>13 Q Okay. Who is Carrie Champagne?</p> <p>14 A If I recall, she works for one of our</p> <p>15 divisions.</p> <p>16 Q Do you know which one?</p> <p>17 A Must have been ice cream.</p> <p>18 Q And this is -- and who is Mr. Steve</p> <p>19 Vermeulen?</p> <p>20 A Must be her supervisor.</p> <p>21 Q Okay. Working in a division involved in ice</p> <p>22 cream?</p> <p>23 A Correct.</p> <p>24 Q Okay. And this is, in fact, an email</p> <p>25 exchange between you and Ms. Champagne from March of</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

18 (Pages 66 to 69)

<p style="text-align: right;">66</p> <p>1 2003; is that correct?</p> <p>2 A That's what it says, so.</p> <p>3 Q Okay. Any reason to doubt that?</p> <p>4 A No.</p> <p>5 Q I represent to you this is a document</p> <p>6 produced by Conopco.</p> <p>7 A Okay.</p> <p>8 Q All right. And you're asked questions. The</p> <p>9 email at the bottom of the first page says: Please</p> <p>10 respond to my request for a written breakdown of</p> <p>11 purchasing spot versus longer term. Do you see that?</p> <p>12 A I do see that.</p> <p>13 Q Okay. And you responded to that with the</p> <p>14 email dated Friday, March 21, 2003, at 8:02 p.m. Do</p> <p>15 you see that?</p> <p>16 A I see that.</p> <p>17 MR. GREENE: I'll note for the record you</p> <p>18 work late.</p> <p>19 Q The -- it starts: The following are the</p> <p>20 reasons why we should not go long-term contract and</p> <p>21 stay on month to month for liquid egg yolk. I want to</p> <p>22 understand a few of the concepts here.</p> <p>23 A Okay.</p> <p>24 Q What is liquid egg yolk?</p> <p>25 A So egg, obviously, has two components, white</p>	<p style="text-align: right;">68</p> <p>1 A Up to one year.</p> <p>2 Q With a single price?</p> <p>3 A Correct.</p> <p>4 Q Okay. And you've entered into such</p> <p>5 contracts before?</p> <p>6 A I may have.</p> <p>7 Q What are -- what are the advantages of</p> <p>8 buying month to month?</p> <p>9 A It depends upon our market view. If we feel</p> <p>10 that prices are coming down, then we have a shorter</p> <p>11 term duration of the fixed price.</p> <p>12 Q What if you believe the prices are going up?</p> <p>13 A If we believe prices are going up, then we</p> <p>14 do opposite to that, we do greater than 30 or 60 days.</p> <p>15 Q Okay. Now, item number 1 in your email in</p> <p>16 Daga Exhibit 4, the Friday, March 21, 2003, at 8:02</p> <p>17 p.m., says: After staying depressed for last couple</p> <p>18 of years, prices of egg white are finally going up and</p> <p>19 inching toward normal.</p> <p>20 Was it your understanding that the prices of</p> <p>21 egg white had been depressed for a couple of years up</p> <p>22 to this point?</p> <p>23 A I don't recall now, but if that's what</p> <p>24 e-mail says, then that's what I felt.</p> <p>25 Q Now, this says "prices of egg white," why do</p>
<p style="text-align: right;">67</p> <p>1 and yolk, so this component is talking about the yolk</p> <p>2 part of it.</p> <p>3 Q And is the yolk part of it the part that</p> <p>4 would be used in the ice cream business?</p> <p>5 A Correct.</p> <p>6 Q And it says, it compares going long-term</p> <p>7 contract and staying month to month. What does that</p> <p>8 mean? What does month to month mean?</p> <p>9 A It means buy 30 or 60 days at one time.</p> <p>10 Q And what does long-term contract mean?</p> <p>11 A Greater than 30 or 60 days.</p> <p>12 Q Do you sometimes buy egg products on</p> <p>13 long-term contract?</p> <p>14 A Sometimes we do.</p> <p>15 Q How long do the contracts go?</p> <p>16 A It varies.</p> <p>17 Q What's -- what's a typical long-term</p> <p>18 contract?</p> <p>19 A Up to one year.</p> <p>20 Q Okay. And are there contracts that are</p> <p>21 longer than that?</p> <p>22 A Fixed price, no. But, you know, supply</p> <p>23 agreement without fixed price with the mechanics, yes.</p> <p>24 Q So a fixed-price contract can go up to a</p> <p>25 year?</p>	<p style="text-align: right;">69</p> <p>1 you refer to prices of egg white in particular?</p> <p>2 A Because there are two components in the egg,</p> <p>3 white and yolk. So when the white prices goes up, all</p> <p>4 things being equal, yolk will come down and vice</p> <p>5 versa.</p> <p>6 Q Why is that?</p> <p>7 A Because there's a relation. Obviously, if</p> <p>8 the egg cost one dollar, of which 70 cents is the</p> <p>9 white and 30 cents is yolk, the 70 become 80, then the</p> <p>10 yolk becomes 20, as long as the shell egg is one</p> <p>11 dollar still. So the eggs reverse relation between</p> <p>12 white and yolk, again, all things being equal.</p> <p>13 Q So the prices of white -- white egg products</p> <p>14 and yolk egg products don't move up and down together?</p> <p>15 A Sometimes they don't.</p> <p>16 Q Okay.</p> <p>17 A Sometimes they do.</p> <p>18 Q Number 2: Due to high prices for egg yolk</p> <p>19 during last couple of years, many end users have</p> <p>20 changed formula and are switching from yolk to egg</p> <p>21 white and/or whole egg. Do you see that?</p> <p>22 A I do see that.</p> <p>23 Q What does that mean?</p> <p>24 A It means if price of an ingredient goes up,</p> <p>25 you look for alternate substitute. Don't use it.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

19 (Pages 70 to 73)

<p style="text-align: right;">70</p> <p>1 That's what it's saying.</p> <p>2 Q And was your experience during this period</p> <p>3 that some egg product purchasers responded to higher</p> <p>4 prices in egg yolk by switching away from egg yolk; is</p> <p>5 that correct?</p> <p>6 A That's what it says, so that's what I may</p> <p>7 have felt back then.</p> <p>8 Q In fact, based on this document it is what</p> <p>9 you felt, correct?</p> <p>10 A Back then, yes.</p> <p>11 Q Okay. Number 3 says: The risk premium for</p> <p>12 forward contracting is quite high, parentheses, nearly</p> <p>13 9 cents a pound above spot prices, end parentheses.</p> <p>14 What does that mean?</p> <p>15 A It means if current price is one dollar,</p> <p>16 it's important for you to take longer term coverage as</p> <p>17 per this note it says you have to pay \$1.09.</p> <p>18 Q You'd have to pay \$1.09 for what kind of</p> <p>19 contract?</p> <p>20 A All going greater than 30 and 60 days.</p> <p>21 Q Why would you have to pay more money for the</p> <p>22 same product merely for taking a longer period of</p> <p>23 time?</p> <p>24 A You are paying a premium for uncertainty.</p> <p>25 Q So when you're negotiating a contract -- I</p>	<p style="text-align: right;">72</p> <p>1 negotiation?</p> <p>2 A Not necessarily. What if the price becomes</p> <p>3 90 cents when we did this, then that becomes a bad</p> <p>4 negotiation.</p> <p>5 Q But that would be with the benefit of</p> <p>6 hindsight, correct?</p> <p>7 A Correct.</p> <p>8 Q Right.</p> <p>9 A So you're measuring back.</p> <p>10 Q Yeah. At the moment that you're</p> <p>11 negotiating, if you can get your supplier to reduce</p> <p>12 the risk premium at the time you're negotiating,</p> <p>13 that's good negotiating?</p> <p>14 A Not necessarily.</p> <p>15 Q No?</p> <p>16 A There's no good or bad, only if you look</p> <p>17 back.</p> <p>18 Q But if you've got -- if you negotiate for a</p> <p>19 lower price, that would be good negotiating?</p> <p>20 A Again, you have to look back. If you're</p> <p>21 paying spot is a dollar --</p> <p>22 Q Yeah.</p> <p>23 A -- as a reference.</p> <p>24 Q Yeah.</p> <p>25 A And supply is charging you a dollar-nine in</p>
<p style="text-align: right;">71</p> <p>1 assume one of your responsibilities was to negotiate</p> <p>2 egg products contracts, correct?</p> <p>3 A Correct.</p> <p>4 Q Okay. And one of the ways in which you</p> <p>5 could do a good job for your company Conopco is to</p> <p>6 negotiate a lower price, correct?</p> <p>7 A Correct.</p> <p>8 Q And another way that you could do a good job</p> <p>9 for Conopco would be to negotiate a longer forward</p> <p>10 contract, correct?</p> <p>11 A Not necessarily.</p> <p>12 Q Well, if you -- you're saying a -- if the</p> <p>13 spot price is a dollar, and you're able to get a</p> <p>14 forward contract for a dollar, that would be good</p> <p>15 negotiating, correct?</p> <p>16 A Not necessarily.</p> <p>17 Q Well, maybe I don't understand. It says:</p> <p>18 The risk premium forward contracting is quite high,</p> <p>19 nearly 9 cents a pound above spot. Doesn't that say</p> <p>20 that you would expect to have to pay a dollar-nine</p> <p>21 instead of one dollar?</p> <p>22 A That's what I have to pay today for future</p> <p>23 delivery.</p> <p>24 Q Right. So if by negotiation you were able</p> <p>25 to avoid that risk premium, that would be good</p>	<p style="text-align: right;">73</p> <p>1 this case here for forward, that may or may not be a</p> <p>2 good negotiation, it depends upon when you get there</p> <p>3 what is the price of spot then.</p> <p>4 Q All right. But what you're talking about</p> <p>5 now is looking back using facts that could not have</p> <p>6 been available to you when you actually made the deal,</p> <p>7 correct?</p> <p>8 A Correct.</p> <p>9 Q And all you can do as the buyer is make the</p> <p>10 best deal you can based on the facts that are then</p> <p>11 known?</p> <p>12 A Correct.</p> <p>13 Q And your objective is to pay the lowest</p> <p>14 price at the time, correct?</p> <p>15 A At the time.</p> <p>16 Q At the time.</p> <p>17 A At the time at today's.</p> <p>18 Q Right.</p> <p>19 A Today's.</p> <p>20 Q Today's prices. Or if you're going to</p> <p>21 forward contract, to pay as low a premium as possible</p> <p>22 for doing so?</p> <p>23 A If I think that the market is going up, then</p> <p>24 I would pay higher premium. If I feel market is going</p> <p>25 down, I will not pay premium.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

20 (Pages 74 to 77)

<p style="text-align: right;">74</p> <p>1 Q Okay.</p> <p>2 MR. GREENE: This would be number 5.</p> <p>3 Daga Exhibit 5 -- we still have counsel on</p> <p>4 the phone, correct?</p> <p>5 MR. MOODY: Yes. Thank you.</p> <p>6 MR. GREENE: All right. I'll keep reading</p> <p>7 out the Bates numbers then. CPCEGED00071647.</p> <p>8 One-page exhibit.</p> <p>9 (Urner Barry Market Update, Bates</p> <p>10 CPCEGED00071647, marked as Daga Exhibit 5, as</p> <p>11 of this date.)</p> <p>12 BY MR. GREENE:</p> <p>13 Q Take a moment to look at that, please.</p> <p>14 A (Reviews.)</p> <p>15 Q This is a document dated June 21st, 2002, at</p> <p>16 the top of the page reads Urner Barry Market Update.</p> <p>17 Do you see that?</p> <p>18 A I do.</p> <p>19 Q Do you recognize the document?</p> <p>20 A I don't recall, but if it came from my</p> <p>21 archive, my email, then it must have come from my</p> <p>22 archive.</p> <p>23 Q Do you -- did you prepare documents/updates</p> <p>24 similar to this one at the time of June of 2002?</p> <p>25 A As part of my job description, I'm supposed</p>	<p style="text-align: right;">76</p> <p>1 A Okay.</p> <p>2 Q In June -- this is June 21st, 2002. The</p> <p>3 first bullet, about three sentences in: The current</p> <p>4 three years plus of severely depressed markets is</p> <p>5 unprecedented in over 40 years of UB history. What is</p> <p>6 UB?</p> <p>7 A That would refer to Urner Barry.</p> <p>8 Q And what is Urner Barry?</p> <p>9 A Urner Barry is an external publication, egg</p> <p>10 market publication.</p> <p>11 Q And as an egg buyer what do you use Urner</p> <p>12 Barry for?</p> <p>13 A They give you market news.</p> <p>14 Q Do they also give you market quotes?</p> <p>15 A They give you market quotes.</p> <p>16 Q And so what is that in the current three --</p> <p>17 the current three-plus years of severely depressed</p> <p>18 markets is unprecedented in over 40 years of Urner</p> <p>19 Barry history. Was it your point there that the</p> <p>20 previous three years prices of eggs had been very low?</p> <p>21 A That's what this one says, so that's what I</p> <p>22 may have taught back then.</p> <p>23 Q Okay. In the next bullet, number 2, it</p> <p>24 said: This extended period of low prices have caused</p> <p>25 severe financial losses for the majority of users,</p>
<p style="text-align: right;">75</p> <p>1 to provide market update to internal stakeholders.</p> <p>2 Q And Exhibit 5 would be an example of the</p> <p>3 kind of market update you would provide?</p> <p>4 A Sounds -- sounds familiar.</p> <p>5 Q Okay. And you believe you wrote this</p> <p>6 document?</p> <p>7 A I may have.</p> <p>8 Q As you look at it, do you -- is there any</p> <p>9 question in your mind that you wrote it?</p> <p>10 A I may have written this.</p> <p>11 Q All right. Is -- are there any other people</p> <p>12 that you can think of that would have written this?</p> <p>13 A As an egg buyer, then this is the job of egg</p> <p>14 buyer to write market updates, so.</p> <p>15 Q And you were the egg buyer?</p> <p>16 A I was egg buyer.</p> <p>17 Q All right.</p> <p>18 A For that period.</p> <p>19 Q Okay. So I want to direct your attention --</p> <p>20 and you're free, when I give you a document, to read</p> <p>21 as much of the document as you want. I'll be focusing</p> <p>22 on particular portions, but that doesn't mean you</p> <p>23 can't look at other portions.</p> <p>24 A Okay.</p> <p>25 Q Do you understand?</p>	<p style="text-align: right;">77</p> <p>1 particularly those whose focus is primarily</p> <p>2 market-based shell eggs.</p> <p>3 Was that your belief at the time that the</p> <p>4 extended period of low prices caused severe financial</p> <p>5 losses for the majority of producers?</p> <p>6 A If that's what I wrote, then that's what I</p> <p>7 had believed back then.</p> <p>8 Q And, as you sit here today, is that your</p> <p>9 belief as well?</p> <p>10 A Back then, so that's what I felt back then.</p> <p>11 Q Yes.</p> <p>12 A So I written what I felt.</p> <p>13 Q That's what you felt back then?</p> <p>14 A Back then, yes.</p> <p>15 Q Now, the last part of that bullet says:</p> <p>16 Particularly those whose focus is primarily</p> <p>17 market-based shell eggs. Why did you distinguish</p> <p>18 those whose focus is primarily market-based shell</p> <p>19 eggs?</p> <p>20 A I don't recall that particular comment.</p> <p>21 Q Do -- as an egg buyer, in your mind, was</p> <p>22 there a difference between egg producers who produce</p> <p>23 primarily market-based shell eggs and those that</p> <p>24 produced egg products?</p> <p>25 A They're all egg producers, so --</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

21 (Pages 78 to 81)

<p style="text-align: right;">78</p> <p>1 Q Right.</p> <p>2 A -- in terms of producers they're producing</p> <p>3 eggs.</p> <p>4 Q But here you're referring to financial</p> <p>5 losses and you refer to those whose focus is primarily</p> <p>6 market-based shell eggs. Did you have some idea that</p> <p>7 the producers that focused on shell eggs had a</p> <p>8 different experience from those that produced egg</p> <p>9 products?</p> <p>10 A I do not recall. I can't tell you what I</p> <p>11 meant by this back then.</p> <p>12 Q If you'd go to the fifth bullet, you write:</p> <p>13 The USDA in April announced a \$10 million bonus buy</p> <p>14 program for frozen and dried egg products to assist</p> <p>15 the egg industry. Do you recall that bonus buy</p> <p>16 program?</p> <p>17 A I don't recall now, but I may have picked it</p> <p>18 up from some market knowledge, market intelligence.</p> <p>19 Q And it goes on to say: These purchases</p> <p>20 which are currently in process will also serve to</p> <p>21 reduce some of the short-term oversupply. What did</p> <p>22 you mean by oversupply?</p> <p>23 A More than what you use.</p> <p>24 Q So in the context of 2002 what, what was it</p> <p>25 about the situation at that time that constituted an</p>	<p style="text-align: right;">80</p> <p>1 producers who initially signed up complied. Do you</p> <p>2 see that?</p> <p>3 A I do.</p> <p>4 Q So it was your understanding in the middle</p> <p>5 of 2002 that the United Egg Producers Animal Welfare</p> <p>6 Program would reduce the supply of layers at least in</p> <p>7 existing facilities, correct?</p> <p>8 A That's what I wrote back then, so that's</p> <p>9 what I felt is what I wrote here.</p> <p>10 Q Okay. So you understood from, at least from</p> <p>11 mid-2002, that the UEP Annual Welfare Program would</p> <p>12 have an impact on supply?</p> <p>13 A That's what I felt back then, so.</p> <p>14 Q And you wrote the last sentence: Even a</p> <p>15 partial -- even a partial compliance will have a</p> <p>16 significant impact on the U.S. egg supply over the</p> <p>17 next two years. Do you see that?</p> <p>18 A I do.</p> <p>19 Q And that was your belief as well?</p> <p>20 A That was my belief back then.</p> <p>21 MR. GREENE: I show you what's marked as</p> <p>22 Daga Exhibit 6.</p> <p>23 (Email Exchange, Bates CPCEGED00085673 to</p> <p>24 CPCEGED00085676, marked as Daga Exhibit 6, as</p> <p>25 of this date.)</p>
<p style="text-align: right;">79</p> <p>1 oversupply in your mind?</p> <p>2 A So based upon what I wrote, if I supply --</p> <p>3 if they are using hundred, and the supply is greater</p> <p>4 than hundred, I would call that oversupply.</p> <p>5 Q And it was your view at that time that the</p> <p>6 egg market was in a state of oversupply, right?</p> <p>7 A That's what I wrote, so that's what I have</p> <p>8 felt back then.</p> <p>9 Q And the final bullet says: On April 1,</p> <p>10 United Egg Producers, the egg producers industry</p> <p>11 association, announced a voluntary animal welfare</p> <p>12 program to be phased in over the next six years. Do</p> <p>13 you see that?</p> <p>14 A I do.</p> <p>15 Q Do you recall at this time learning about</p> <p>16 the United Egg Producers Animal Welfare Program?</p> <p>17 A That's what I wrote, so that's what I felt</p> <p>18 back then. I may have heard that from market</p> <p>19 intelligence.</p> <p>20 Q And if you go down -- and, again, you're</p> <p>21 always able to read any portion of the document you</p> <p>22 want -- it says, towards the bottom of the paragraph:</p> <p>23 The first phase of the AWB guidelines would have the</p> <p>24 effect of reducing the U.S. flock size by</p> <p>25 approximately 20 million layers, assuming all of the</p>	<p style="text-align: right;">81</p> <p>1 BY MR. GREENE:</p> <p>2 Q Can you take a look at Exhibit 6, please.</p> <p>3 A (Reviews.)</p> <p>4 Q Mr. Daga, you can see at the bottom of the</p> <p>5 first page there is an email from you to Peter, is it</p> <p>6 Goggi?</p> <p>7 A Uh-hum.</p> <p>8 Q Okay. And who is Mr. Goggi? And this is,</p> <p>9 the date is Tuesday, October 21, 2013.</p> <p>10 MR. GREENE: I'm sorry, I should read the</p> <p>11 Bates numbers for the record. CPCEGED00085673</p> <p>12 through 85676.</p> <p>13 Q Who is Mr. Goggi?</p> <p>14 A He was my immediate supervisor back then.</p> <p>15 Q Okay. So does this help us, I think we were</p> <p>16 trying to figure out before, you had Mr. Connors --</p> <p>17 A Correct.</p> <p>18 Q -- was your supervisor, and then Mr. Goggi?</p> <p>19 A Correct.</p> <p>20 Q Okay. Does this document help you to place</p> <p>21 the date when Mr. Goggi became your supervisor?</p> <p>22 A Yes.</p> <p>23 Q As of October 2003, he was your supervisor</p> <p>24 Mr. Goggi?</p> <p>25 A Correct.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

22 (Pages 82 to 85)

<p style="text-align: right;">82</p> <p>1 Q Okay. And you sent an email on October 21,</p> <p>2 2003, to Mr. Goggi, correct?</p> <p>3 A Correct.</p> <p>4 Q And it included an attachment; is that</p> <p>5 right?</p> <p>6 A Looks like.</p> <p>7 Q Okay. And the attachment, which is Bates</p> <p>8 numbers 85674 to 85676, you wrote that, correct?</p> <p>9 A Sounds familiar.</p> <p>10 Q In October of 2003?</p> <p>11 A I may have.</p> <p>12 Q Is that your best inference from the email?</p> <p>13 A Email says it came from me, so it has to be</p> <p>14 right.</p> <p>15 Q All right. And you write here -- what is</p> <p>16 the purpose of this document, this Risk Management</p> <p>17 Proposal for Egg Pricing?</p> <p>18 A Getting approval from my chain of command</p> <p>19 for my budgeting strategy.</p> <p>20 Q And what was that strategy?</p> <p>21 A So it says somewhere that we want to go --</p> <p>22 let me read.</p> <p>23 MR. MURRAY: Take your time and read it.</p> <p>24 THE WITNESS: Uh? Yeah.</p> <p>25 MR. MURRAY: Take your time and read the</p>	<p style="text-align: right;">84</p> <p>1 Q In 2003.</p> <p>2 A 2003 I believe we had one more factory,</p> <p>3 don't know when we closed the factory, but we had one</p> <p>4 more factory.</p> <p>5 Q Was Kilbourn, did you say Chicago before?</p> <p>6 A Chicago we called it Kilbourn. It's on</p> <p>7 Kilbourn Street.</p> <p>8 Q Kilbourn Street in Chicago?</p> <p>9 A In Chicago.</p> <p>10 Q All right. And was that the largest</p> <p>11 production facility for mayonnaise?</p> <p>12 A Correct.</p> <p>13 Q And that was -- was that also then the</p> <p>14 largest egg product buy that you would do for any one</p> <p>15 location?</p> <p>16 A Correct.</p> <p>17 Q Okay. And can you explain to me what you</p> <p>18 were proposing to do for three years with respect to</p> <p>19 egg product purchases for Kilbourn?</p> <p>20 A So what, as per this note, what I'm</p> <p>21 recommending my chain of command to go for a</p> <p>22 three-year contract with prices based upon feed</p> <p>23 market.</p> <p>24 Q And when you say you're recommending a</p> <p>25 three-year contract with prices based on the feed</p>
<p style="text-align: right;">83</p> <p>1 whole thing.</p> <p>2 A So the email say it's from Peter Goggi to</p> <p>3 Nicky. It calls for committing a portion of Kilbourn</p> <p>4 whole egg commitment for three years and pricing that</p> <p>5 portion by decoupling grain/meal costs and costing</p> <p>6 them based on CBOT. So it looks like I'm proposing to</p> <p>7 go with a three-year contract for the need for our</p> <p>8 Chicago factory.</p> <p>9 Q Okay. Now tell me what -- when you say the</p> <p>10 need for the Chicago factory, what is the Chicago</p> <p>11 factory?</p> <p>12 A Chicago factory makes Hellmann mayonnaise.</p> <p>13 Q And do they make other labels of mayonnaise</p> <p>14 as well?</p> <p>15 A Best Food.</p> <p>16 Q And those were two separate mayonnaises?</p> <p>17 A They are both mayonnaise.</p> <p>18 Q Okay.</p> <p>19 A Different brand.</p> <p>20 Q And both of them are made in Chicago?</p> <p>21 A Both were made in Chicago, among other</p> <p>22 places.</p> <p>23 Q Okay. And is all the mayonnaise for the</p> <p>24 company made in Chicago?</p> <p>25 A Now. For U.S. now.</p>	<p style="text-align: right;">85</p> <p>1 market, what do you mean?</p> <p>2 A That means prices is going to be fixed. I</p> <p>3 don't remember whether month to month or two months,</p> <p>4 but price is going to be fixed. It depends upon how</p> <p>5 the corn and soy meal market do in Chicago Board of</p> <p>6 Trade.</p> <p>7 Q Okay. And -- let's take a look at the</p> <p>8 document now.</p> <p>9 A Okay.</p> <p>10 Q We'll come back.</p> <p>11 A All right.</p> <p>12 Q You provide some background here, and you</p> <p>13 say: Egg prices have remained depressed and well</p> <p>14 below cost of production for the period 1999 to the</p> <p>15 first half 2003. Correct? Did I read that right?</p> <p>16 A That's what it says --</p> <p>17 Q Right.</p> <p>18 A -- somewhere.</p> <p>19 Q And that was your understanding of market</p> <p>20 conditions from 1999 to 2003, correct?</p> <p>21 A That's what I wrote, so that's what I have</p> <p>22 felt back then.</p> <p>23 Q Right. And it appears that you were</p> <p>24 projecting price increases, correct?</p> <p>25 A That's what I wrote, so that's what I</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

23 (Pages 86 to 89)

<p style="text-align: right;">86</p> <p>1 projected back then.</p> <p>2 Q Because if you look under year 1999, 2000,</p> <p>3 2001, 2002, you'll see in the table -- again, I'm on</p> <p>4 page 85674 -- when you get to 2003, you put in</p> <p>5 brackets Projected. Do you see that?</p> <p>6 A Correct.</p> <p>7 Q And in 2004 you put in brackets Projected?</p> <p>8 A Correct.</p> <p>9 Q And your projected prices for 2003 and 2004</p> <p>10 are higher than in 2002, correct?</p> <p>11 A That's what it says.</p> <p>12 Q Right. And then you say: Following are</p> <p>13 some of the reasons why prices will stay high and well</p> <p>14 above cost of production for next 12 to 18 months. Is</p> <p>15 that correct?</p> <p>16 A That's what it says.</p> <p>17 Q Yeah. And you list a number of factors why</p> <p>18 you think prices will stay high, correct?</p> <p>19 A Correct.</p> <p>20 Q Okay. Flock size is one?</p> <p>21 A Correct.</p> <p>22 Q Disease is one?</p> <p>23 A Correct.</p> <p>24 Q And then you get the Hen Welfare Program,</p> <p>25 right?</p>	<p style="text-align: right;">88</p> <p>1 A I don't buy eggs today, I've been out of it,</p> <p>2 so. I don't buy eggs anymore, I'm out of egg buying</p> <p>3 business, so.</p> <p>4 Q And how long have you been out, since 2007?</p> <p>5 A 2007.</p> <p>6 Q All right. And then you explain that the</p> <p>7 new procedures require increased cage space per</p> <p>8 chicken, correct?</p> <p>9 A Correct.</p> <p>10 Q And then you put down the schedule, you show</p> <p>11 the schedule that lays out going from 48 to 56 inches</p> <p>12 all the way to 67 inches in 2008. Do you see that?</p> <p>13 A I do see that.</p> <p>14 Q Okay. And you write that all the top major</p> <p>15 retailers, including Kroger, Walmart, Albertsons and</p> <p>16 fast food chains like McDonald's, Yum Group are either</p> <p>17 supporting the new guideline or in process of</p> <p>18 enforcing it their vendors. Do you see that?</p> <p>19 A I do see that.</p> <p>20 Q Okay. And if you go, it says, the next</p> <p>21 sentence: It is estimated by the middle of 2004 80</p> <p>22 percent of the egg farmers will be in compliance of</p> <p>23 the new cage space rule. Do you see that?</p> <p>24 A I do.</p> <p>25 Q And that was your belief at the time?</p>
<p style="text-align: right;">87</p> <p>1 A Okay.</p> <p>2 Q And this is one of the factors that you are</p> <p>3 identifying for why you expect prices to stay high?</p> <p>4 A Correct.</p> <p>5 Q Okay. It says: Hen Welfare Program. This</p> <p>6 factor is one of the main reasons behind current price</p> <p>7 rally. Due to pressure from Animal Right Groups, the</p> <p>8 United Egg Producers in process of adopting new animal</p> <p>9 husbandry guideline. Did I read that correctly?</p> <p>10 A That's what it says, so.</p> <p>11 Q Okay. And that was your understanding?</p> <p>12 A Back then.</p> <p>13 Q Right. Do you have a different</p> <p>14 understanding now?</p> <p>15 A Now I don't, but I'm going by what I wrote</p> <p>16 back then.</p> <p>17 Q Right.</p> <p>18 A So that's the reason I gave.</p> <p>19 Q Do you have a different understanding today</p> <p>20 as to any of the material that's in here on Hen</p> <p>21 Welfare Program?</p> <p>22 A It's irrelevant today. If you're going back</p> <p>23 on 2003, so that's what I felt in 2003.</p> <p>24 Q But today do you know any facts that are</p> <p>25 different than what you wrote in 2003?</p>	<p style="text-align: right;">89</p> <p>1 A That's correct.</p> <p>2 Q All right. And then you write: The first</p> <p>3 10 square inches in increased cage space will add as</p> <p>4 much as 7 cents a dozen to the cost of production of</p> <p>5 eggs due to increased fixed cost of building new</p> <p>6 cages. Do you see that?</p> <p>7 A I do.</p> <p>8 Q Okay. And you expected new cages to be</p> <p>9 built?</p> <p>10 A It doesn't quite say that but obviously --</p> <p>11 it doesn't say that what you just described.</p> <p>12 Q Okay. Why -- why were you calling attention</p> <p>13 to the increased fixed cost to building new cages?</p> <p>14 A Because there's the cost of increasing the</p> <p>15 new cages.</p> <p>16 Q Okay. So, though this is the -- this is --</p> <p>17 these are market conditions you're describing as the</p> <p>18 background for your risk management proposal?</p> <p>19 A These are market condition I'm describing</p> <p>20 for prices to increase.</p> <p>21 Q Prices to increase. And then you -- then we</p> <p>22 get to the part that says Risk Management.</p> <p>23 A Yep.</p> <p>24 Q Risk Management: Due to continued bullish</p> <p>25 price outlook, it is time now to look into risk</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

24 (Pages 90 to 93)

<p style="text-align: right;">90</p> <p>1 management tool to manage and lock in longer term 2 prices. Do you see that?</p> <p>3 A I do.</p> <p>4 Q Corn and soy meal are two main ingredients 5 that are fed to chicken. Do you see that?</p> <p>6 A I do.</p> <p>7 Q Okay. So how is this type of contract -- is 8 there -- withdrawn.</p> <p>9 Is there a name for the type of contract you 10 were proposing?</p> <p>11 A No particular name.</p> <p>12 Q You mentioned feed before, would a feed cost 13 contract be a name?</p> <p>14 A You can call it feed-based contract.</p> <p>15 Q Is it sometimes referred to as grain-based 16 contract?</p> <p>17 A Correct.</p> <p>18 Q Okay. How is a grain-based contract a risk 19 management tool for an egg buyer when prices are 20 expected to go up?</p> <p>21 A So you use the risk management tool to 22 control the -- control and manage the feed. Feed is 23 the single largest cost component for the eggs. So 24 you try to control the biggest large -- biggest cost 25 driver by managing the feed cost.</p>	<p style="text-align: right;">92</p> <p>1 Q It was?</p> <p>2 A Yes.</p> <p>3 Q And was Michael Foods your largest egg 4 product supplier?</p> <p>5 A Yes.</p> <p>6 Q And so this was to be a three-year 7 agreement, correct?</p> <p>8 A Correct.</p> <p>9 Q And it would be -- would it be fair to 10 characterize it as a three-year grain-based contract?</p> <p>11 A Three-year grain-based contract.</p> <p>12 Q Right. And in a three-year grain-based 13 contract, if you have a three-year grain-based 14 contract, is the price that you as an egg buyer pay 15 affected by what happens on the Urner Barry shell 16 market?</p> <p>17 A Not on grain-based contract.</p> <p>18 Q Okay. And if you have a three-year 19 grain-based contract, does the price that you pay 20 under that contract, is it affected by the supply of 21 layer hens?</p> <p>22 A Partially it does. The contract is for 23 whole egg. One of the components in the formula comes 24 from Urner Barry.</p> <p>25 Q Okay.</p>
<p style="text-align: right;">91</p> <p>1 Q How does a grain-based contract manage your 2 risk as an egg product buyer?</p> <p>3 A Grain based, that means you have a duration, 4 a period where you can go longer term contract by 5 buying the feed, and by buying the feed you 6 essentially are locking in the longer term prices.</p> <p>7 Q And how does that protect you against the 8 risks of the shell egg market?</p> <p>9 A So by buying the feed from the Chicago Board 10 of Trade, you have the ability to lock in longer term 11 price, and by not paying a premium what we've talked 12 in the previous conversation on the yolk case.</p> <p>13 Q So the -- if you look at -- and, again, you 14 can look at any portion of the document.</p> <p>15 If you look at the final page, it says</p> <p>16 Contract Elements: Three years for term of agreement. 17 Price subject to futures market on CBOT. Maximum of 18 50 percent of current Kilbourn volume, 13 million 19 pounds of whole eggs per year. Hundred percent of 20 Kilbourn business needs to be committed to Michael 21 Foods. Do you see that?</p> <p>22 A I do.</p> <p>23 Q Was the contract you were proposing a 24 contract with Michael Foods?</p> <p>25 A Yes, I do.</p>	<p style="text-align: right;">93</p> <p>1 A So it's a blend, it's a mixed pricing.</p> <p>2 Q So there's mixed pricing, there's a whole 3 egg pricing, and then there's another component?</p> <p>4 A Another component, I believe that's the 5 case.</p> <p>6 Q All right. I want to focus on the whole egg 7 component?</p> <p>8 A Okay.</p> <p>9 Q All right. And I understand there's this 10 other component. But as to the whole egg component, 11 if you have a three-year contract for the whole egg 12 component that's a grain-based contract, is the price 13 that you pay for egg products under that contract 14 affected by the Urner Barry price of shell eggs?</p> <p>15 A The answer would be no.</p> <p>16 Q And if you have a three-year grain-based 17 whole egg contract, is the price that you pay for 18 whole eggs under that contract affected by the supply 19 of layer hens?</p> <p>20 A It have a lesser impact on layer egg and 21 more impact on the feed side of the business.</p> <p>22 Q In a -- I want to understand.</p> <p>23 In a grain-based contract the -- as I 24 understand it, you're the one who understands it -- 25 drivers of the contract are the cost of corn and the</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

25 (Pages 94 to 97)

<p style="text-align: right;">94</p> <p>1 cost of soy, correct?</p> <p>2 A Correct.</p> <p>3 Q And those are prices that you see on the</p> <p>4 Chicago Board of Trade?</p> <p>5 A Correct.</p> <p>6 Q All right. And so every month you can look</p> <p>7 at the Chicago Board of Trade price of corn and price</p> <p>8 of soy and figure out what you're going to be paying</p> <p>9 under the contract, correct?</p> <p>10 A Correct.</p> <p>11 Q Okay. You don't have to look every month,</p> <p>12 when you're in a grain-based contract, you don't have</p> <p>13 to look every month at the supply of layers to figure</p> <p>14 out what you're paying under that contract, do you?</p> <p>15 A I still do. That's only part of my</p> <p>16 requirement. I'm not buying everything on the</p> <p>17 grain-based contract.</p> <p>18 Q Right, so I want to be clear about my</p> <p>19 question. I want to focus solely on the whole egg</p> <p>20 that you're buying grain-based three-year contract.</p> <p>21 Okay?</p> <p>22 As I understand it -- let me see if I've got</p> <p>23 it right.</p> <p>24 A Yep.</p> <p>25 Q You were proposing to enter into a contract.</p>	<p style="text-align: right;">96</p> <p>1 what I'm trying to figure out really since I've been</p> <p>2 out of this business for quite some time.</p> <p>3 Q Whatever you want to do. You take as much</p> <p>4 time reading as possible. I'm just telling you,</p> <p>5 because we have a court reporter, she's trying to</p> <p>6 figure out --</p> <p>7 A Okay.</p> <p>8 Q -- whether she should be writing down your</p> <p>9 words or not.</p> <p>10 A Based upon what I know now and what I wrote,</p> <p>11 the whole egg portion of the contract that relied</p> <p>12 solely on feed based.</p> <p>13 Q Okay. So now I want to ask you questions</p> <p>14 about the whole egg component of the contract you were</p> <p>15 proposing. Okay?</p> <p>16 A Okay.</p> <p>17 Q Just the whole egg component.</p> <p>18 A Okay.</p> <p>19 Q And if I understand it, you were proposing a</p> <p>20 three-year contract, correct?</p> <p>21 A Correct.</p> <p>22 Q And there was going to be a whole egg</p> <p>23 component?</p> <p>24 A Correct.</p> <p>25 Q Which represented roughly two-thirds of the</p>
<p style="text-align: right;">95</p> <p>1 One of the components of that contract would be to buy</p> <p>2 13 million pounds of whole eggs per year on grain</p> <p>3 based, correct?</p> <p>4 A Correct.</p> <p>5 Q Okay. There's another component you said</p> <p>6 that involves something other than whole eggs,</p> <p>7 correct?</p> <p>8 A Can I look into the sheet, the particular</p> <p>9 sheet here --</p> <p>10 Q Absolutely.</p> <p>11 A -- to see?</p> <p>12 Q Whatever you'd like to read in the document.</p> <p>13 A (Reviews.) So in the formula I see that 67</p> <p>14 percent of the cost component is whole egg and 27</p> <p>15 percent is yolk.</p> <p>16 Q Okay.</p> <p>17 A As stated on page number 2.</p> <p>18 Q Okay.</p> <p>19 A So the 67 percent current market is X. Soy</p> <p>20 meal market is 215. Whole egg cost based upon above</p> <p>21 feed cost 3945. Whole eggs --</p> <p>22 Q Mr. Daga, you'll either have to make a</p> <p>23 decision you want the court reporter to take down your</p> <p>24 words or if you want to read to yourself.</p> <p>25 A No, I'm talking to myself, really. That's</p>	<p style="text-align: right;">97</p> <p>1 overall volume?</p> <p>2 A Two-thirds of the volume in the contract.</p> <p>3 Q In the contract.</p> <p>4 A Not overall volume.</p> <p>5 Q The overall volume of what's covered in the</p> <p>6 contract?</p> <p>7 A Covered in the contract.</p> <p>8 Q All right.</p> <p>9 A There's volume outside the contract as well.</p> <p>10 Q Correct. I understand. This wasn't all of</p> <p>11 your purchases. Correct?</p> <p>12 A Correct.</p> <p>13 Q All right. But as to the 13 million pounds</p> <p>14 of whole egg that you were buying under this</p> <p>15 three-year grain-based contract. Okay?</p> <p>16 A Okay.</p> <p>17 Q Would the price that Conopco would be paying</p> <p>18 for whole egg under that contract be affected by the</p> <p>19 price of shell eggs in the Urner Barry market?</p> <p>20 A No.</p> <p>21 Q Okay. For the whole egg component of this</p> <p>22 three-year contract that you were proposing under this</p> <p>23 three-year grain-based contract, would the price that</p> <p>24 Conopco was paying for the whole egg component be</p> <p>25 affected by the supply of layer hens?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

26 (Pages 98 to 101)

<p style="text-align: right;">98</p> <p>1 A No.</p> <p>2 Q Okay. And this was a contract, this</p> <p>3 grain-based contract for 13 million pounds of whole</p> <p>4 egg per year, this was a contract that Michael Foods</p> <p>5 offered to Conopco?</p> <p>6 A Correct.</p> <p>7 Q Okay.</p> <p>8 MR. GREENE: Daga Exhibit 7.</p> <p>9 (Purchase Agreement, Bates CPCEG00000009</p> <p>10 to CPCEG00000046, marked as Daga Exhibit 7, as</p> <p>11 of this date.)</p> <p>12 MR. GREENE: And, for the record, Daga</p> <p>13 Exhibit 7 is CPCEG number 9 through 46.</p> <p>14 BY MR. GREENE:</p> <p>15 Q It's a long document. And, again, with all</p> <p>16 these topics, you can look at what you want. I'm</p> <p>17 going to guide you to particular portions. But if at</p> <p>18 any time you want to look at a particular portion,</p> <p>19 please just stop me and let me know. Okay?</p> <p>20 A Okay.</p> <p>21 Q All right.</p> <p>22 MR. GREENE: We're going to take a break now</p> <p>23 for the video and we'll come back and I'll ask</p> <p>24 you some questions.</p> <p>25 How quickly can you --</p>	<p style="text-align: right;">100</p> <p>1 Q Okay. And who is the name of the person</p> <p>2 signing on behalf of Conopco?</p> <p>3 A Nicola Roube.</p> <p>4 Q And were you familiar with -- is that a</p> <p>5 woman?</p> <p>6 A Yes.</p> <p>7 Q And were you familiar with Ms. Roube?</p> <p>8 A Yes.</p> <p>9 Q What was her position?</p> <p>10 A VP supply management.</p> <p>11 Q And did you -- did she have some connection</p> <p>12 to you in the line of authority?</p> <p>13 A She was my boss's boss.</p> <p>14 Q Okay. And there's a -- it looks like below</p> <p>15 the printed material on the left it says Ramesh; is</p> <p>16 that correct?</p> <p>17 A That's correct.</p> <p>18 Q And would that have been your sign-off?</p> <p>19 A Correct.</p> <p>20 Q And you wrote that yourself?</p> <p>21 A Correct.</p> <p>22 Q Okay. The -- at Tab 17, or, I'm sorry,</p> <p>23 Bates No. 17. The product here is described liquid</p> <p>24 whole eggs -- the line reads: Liquid whole eggs,</p> <p>25 parentheses, M.G.W. product code number</p>
<p style="text-align: right;">99</p> <p>1 THE VIDEOGRAPHER: The time is 11:09 a.m.</p> <p>2 and we're going off the record.</p> <p>3 (Whereupon, off the record.)</p> <p>4 (Whereupon, resumed.)</p> <p>5 THE VIDEOGRAPHER: The time is 11:15 a.m.,</p> <p>6 and this is DVD No. 2 of the continued video</p> <p>7 deposition of Mr. Ramesh Daga.</p> <p>8 BY MR. GREENE:</p> <p>9 Q Mr. Daga, you understand you're still under</p> <p>10 oath?</p> <p>11 A Yes.</p> <p>12 Q We're looking at Daga Exhibit 7, and I'm</p> <p>13 going to direct you to particular pages. But, again,</p> <p>14 you can look at any portion you'd like.</p> <p>15 If you look at the page with the Bates</p> <p>16 number that ends 16. One-six.</p> <p>17 A Okay.</p> <p>18 Q This is a signature page between purchaser</p> <p>19 and supplier. Do you see that?</p> <p>20 A I do.</p> <p>21 Q And the purchaser is Conopco, Inc. d/b/a</p> <p>22 Unilever Bestfoods North America. Do you see that?</p> <p>23 A I do.</p> <p>24 Q The supplier is Michael Foods, Inc.?</p> <p>25 A Yep.</p>	<p style="text-align: right;">101</p> <p>1 46025-85686-00/Unilever Spec #12260220, and</p> <p>2 description: Egg Blend Liquid Light. Do you see</p> <p>3 that?</p> <p>4 A I do.</p> <p>5 Q Do you recognize that Unilever spec?</p> <p>6 A That's our spec number.</p> <p>7 Q Okay. And what -- can you explain to me,</p> <p>8 what was this product?</p> <p>9 A It says liquid whole egg blend, egg blend</p> <p>10 liquid light, so it's some kind of egg blend.</p> <p>11 Q And what is this product used for?</p> <p>12 A To make mayonnaise.</p> <p>13 Q And so this was a purchase that was being</p> <p>14 made for mayonnaise manufacture, correct?</p> <p>15 A Correct.</p> <p>16 Q All right. In Quantity it says: The annual</p> <p>17 volume says maximum of 19,402,985 pounds of product.</p> <p>18 Do you see that?</p> <p>19 A I do.</p> <p>20 Q Relative to other egg product purchases is</p> <p>21 that a large volume?</p> <p>22 A It is a large volume.</p> <p>23 Q Right. In fact, was Unilever Spec 12660220</p> <p>24 the largest egg product, single egg product that</p> <p>25 Conopco purchased?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

27 (Pages 102 to 105)

<p style="text-align: right;">102</p> <p>1 A I do recall that was one of the large, I'm 2 not sure the largest, I can't tell you, but. 3 Q One of the largest? 4 A One of the largest. Or it could be the 5 largest. 6 Q It could be the largest? 7 A Uh-hum. 8 Q The Weekly Volume says: The purchaser may 9 order a maximum weekly volume of 10 40,000-pound 10 tanker loads per week of product. Do you see that? 11 A I do. 12 Q Okay. Can you just help me understand, what 13 is a tanker load of product? 14 A A whole truckload. 15 Q Okay. So if I'm imagining a big tanker 16 truck filled with liquid, that's one tanker? 17 A Correct. 18 Q And this is calling for 10 of those to be 19 delivered to where, Kilbourn? 20 A Correct, up to 10. 21 Q Up to 10. 22 I'm going to direct your attention to Bates 23 number 19. 24 And it says -- this is, again, it lists the 25 product numbers, both the Michael Foods product number</p>	<p style="text-align: right;">104</p> <p>1 written notice to supplier. Such grain-based pricing 2 shall remain fixed for such time period as purchaser 3 may specify in such written notice. Do you see that? 4 A I do. 5 Q The next sentence: Purchaser can lock in 6 the CBOT corn and soy meal for a period not to exceed 7 12 months at any given time. Can you explain what 8 that last phrase means, that last sentence means? 9 A What it says that I can lock in price for up 10 to 12 months. 11 Q So, you don't even have to worry. If you 12 were to elect the option of locking in the soy and the 13 corn prices for a year, then the price for that year 14 wouldn't even be affected by changes in the price of 15 corn and soy, correct? 16 A This is only based on what we had bought. 17 We had bought market-based material as well. 18 Q But the whole egg component under the 19 grain-based, this grain-based contract for that whole 20 egg component, you were being given the opportunity to 21 lock in the price of the whole egg component for a 22 year, correct? 23 A Correct. 24 Q Okay. And if you didn't lock it in, then 25 the price would be determined for the whole egg</p>
<p style="text-align: right;">103</p> <p>1 and the Unilever product number at the top. Do you 2 see that? 3 A I do. 4 Q Okay. Do you know -- by the way, now the -- 5 next to 50,000 pound tanker it says Liquid Ossi Blend 6 5 Percent Salt. Do you know what that means? 7 A It's the name of the product we buy. 8 Q What does the ossi part mean, do you know? 9 A I don't recall now, I knew back then. 10 Q It had some meaning? 11 A Some meaning. 12 Q And there's a description of the grain-based 13 pricing. Do you see that? 14 A Somewhere. 15 Q In the -- toward the top it says: All 16 grain-based pricing will change monthly -- 17 A Okay. 18 Q -- or otherwise determined with CBOT corn 19 and soy meal prices. 20 A Yes. 21 Q Do you see that? 22 A I do. 23 Q It says: Provided, purchaser shall have the 24 option to fix grain-based pricing based on the CBOT 25 market prices in effect on a particular date upon</p>	<p style="text-align: right;">105</p> <p>1 component but solely based on the prices of corn and 2 soy, correct? 3 A Correct. 4 Q Okay. Did you elect the option at any point 5 to lock in the grain and -- I'm sorry -- the corn and 6 soy prices for a year? 7 A I don't recall. 8 Q But you understood you had that option? 9 A I had the option. 10 Q And if you look at the page that is Bates 11 numbered 42. This page shows that the contract was 12 valid from January 1, 2004, to December 31, 2006, 13 correct? 14 A Correct. 15 Q A three-year contract, correct? 16 A Correct. 17 Q And it covered 57 million pounds of product, 18 correct? 19 A Correct. 20 Q Three years at roughly 19 million pounds, 21 right? 22 A Correct. 23 Q Okay. So is it fair to say from 2004 to 24 2006 the largest component of this contract was whole 25 eggs, correct?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

28 (Pages 106 to 109)

<p style="text-align: right;">106</p> <p>1 A For volume under this contract was whole 2 egg, the same formula as the 67 percent. 3 Q Right. So this contract covers either your 4 largest or one of your largest egg product purchases, 5 correct? This specification we talked about. 6 A Correct. 7 Q 12260220. 8 A Correct. 9 Q You said it's either the largest or one of 10 the largest egg product, single egg product purchases 11 you make. 12 A Correct. 13 Q Right? 19 million pounds per year, correct? 14 A Not all 19 million tied to the grain market. 15 Q Right. But this contract, one of your 16 largest, the spec. 17 A Yes. 18 Q 1226022, one of the largest, correct? 19 A Correct. 20 Q All right. And the largest component of 21 this contract is whole egg, correct? 22 A Correct. 23 Q And for this three-year period, this whole 24 egg component for this, for this Unilever Spec 25 12260220, it was priced under a grain-based contract,</p>	<p style="text-align: right;">108</p> <p>1 you see that? 2 A Yes. 3 Q It says: Attached is a quarterly egg 4 update. Do you see that? 5 A I do. 6 Q And then there is an attachment here. 7 A Okay. 8 Q Did you send this email in October of 2004? 9 A It says it came from me, so it must have 10 come from me. 11 Q Okay. And the attachment is what's shown as 12 82812 through 820, correct? 13 A Correct. 14 Q And you prepared the attachment? 15 A I may have. It sound familiar to me. 16 Q Right. Well, it says Eggs - October 04 17 Update, October 6, 2004, this would have been within 18 your area of responsibility, correct? 19 A Yes. 20 Q And this is the kind of update you would 21 prepare? 22 A Yes. 23 Q It's attached to an email that you sent? 24 A Yes. 25 Q All right. So is it fair to conclude that</p>
<p style="text-align: right;">107</p> <p>1 correct? 2 A For this period, yes. For this portion of 3 the contract. 4 Q For the whole egg portion for this 5 three-year period? 6 A Correct. 7 Q Which accounts for roughly 39 million pounds 8 of material, correct? 9 A For three years. 10 Q 13 million? 11 A Correct. 12 Q For each of three years? 13 A Correct. 14 MR. GREENE: Daga Exhibit 8. For the 15 record, CPCEGED00082811 through 820. 16 (Email Exchange, Bates CPCEGED00082811 to 17 CPCEGED00082820, marked as Daga Exhibit 8, as 18 of this date.) 19 BY MR. GREENE: 20 Q Mr. Daga, do you see that there is a -- the 21 front page is an email exchange. The bottom email on 22 the first page is from yourself to a group of people 23 that includes Peter Goggi. 24 A Uh-hum. 25 Q And its subject is Quarterly Egg Update. Do</p>	<p style="text-align: right;">109</p> <p>1 you prepared this PowerPoint? 2 A Yes. 3 Q All right. Can you -- again, you can look 4 at any portion that you'd like. The page that ends 5 2814. 6 A Uh-hum. 7 Q It says under Demand Situation: Higher 8 prices earlier during the year permanently destructed 9 significant industrial demand as food processors, like 10 UN, have taken eggs out of formula. Did I read that 11 correctly? 12 A Correct. 13 Q Okay. What did you mean by that? 14 A It means company, corporations who use eggs 15 they have taken eggs out of the formula or reduced 16 eggs because of the higher prices. 17 Q Okay. First of all, there's a reference to 18 like UN, is that supposed to be a reference to 19 Unilever? 20 A Correct. 21 Q Okay. So let's start with the Unilever 22 part. What is it you're referring to that Unilever 23 did? 24 A So what I'm saying that it's a company like 25 Unilever. I'm not saying that we did that. A company</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

29 (Pages 110 to 113)

<p style="text-align: right;">110</p> <p>1 like Unilever, we may have taken eggs out of the 2 formula because of the higher cost. 3 Q Okay. What does it mean to take eggs out of 4 formula? 5 A Say if you're using, say, hundred pounds in 6 your recipe, you have taken all of it out or part of 7 it out. 8 Q Okay. So what you're referring to here is 9 food processors changing the specifications of their 10 products to use less eggs; is that correct? 11 A Correct. 12 Q Okay. And your observation back in October 13 of 2004 is that there were food processors that were, 14 in fact, doing that, changing the composition of their 15 products to use less eggs, correct? 16 A Correct. 17 Q Were you -- do you recall any examples of 18 that? 19 A I don't recall now. 20 Q Okay. Was that something that Unilever was 21 doing? 22 A They may have. 23 Q Do you recall whether they were? 24 A I don't recall now. 25 Q If you look at the page that ends 281 --</p>	<p style="text-align: right;">112</p> <p>1 A Correct. 2 Q Okay. And you're projecting only a 2 cent 3 drop in breaking stocks, correct? 4 A That's what it says. 5 Q But a 15 cent drop in unpasteurized yolk. 6 A That's what it says. 7 Q Why were you projecting such a larger drop 8 in unpasteurized yolk? 9 A Two factors. This was done in October 2004, 10 so by this time I already had nine months worth of 11 actuals. I'm only guessing the balance of the three 12 months. So my projection certainty is quite strong, 13 I'm only guessing three months. So I had actual 14 prices of both the component as of September. So 15 taking into account actual and what I project the 16 balance of the three months, the weighted average 17 projection is what I wrote there. 18 Q So this wasn't all a prediction, this was, 19 some of this was information you already had based on 20 2004 prices? 21 A Has to be because this was done in October 22 2004. 23 Q I understand. Can you turn to page 82819. 24 A Okay. 25 Q And this is your Strategy and Outlook page.</p>
<p style="text-align: right;">111</p> <p>1 82815. This is your -- you have a Price Outlook? 2 A Yep. 3 Q And it compares Breaking Stocks to Unpast, I 4 assume that's unpasteurized, unpasteurized yolk; is 5 that correct? 6 A It's not a comparison, just they're two 7 different prices. 8 Q It's side -- it's a side by side? 9 A Side by side. 10 Q Okay. And if I'm reading correctly, 2003 is 11 an actual price, correct? 12 A Yes. 13 Q The middle line 2003 -- 14 A Yep. 15 Q -- that's something you're actually 16 observing in the market, correct? 17 A It says Actual Price. 18 Q Right. So this is one where you're 19 reporting what's going on in the market now? 20 A It's knowing what went on. 21 Q Okay. And that was 55 cents for breaking 22 stocks and 70 for unpasteurized yolk, correct? 23 A Correct. 24 Q All right. And then this is your projection 25 of the 2004 price, correct?</p>	<p style="text-align: right;">113</p> <p>1 A Okay. 2 Q And it says at the top: Maintain current 3 mix of grain base and spot pricing for Dressing 4 business. 5 A Okay. 6 Q This is a page that starts Eggs October 04 7 Update Strategy and Outlook, correct? 8 A Correct. 9 Q What did you mean by maintain current mix of 10 grain base and spot pricing for Dressing business? 11 A We had a mix of both grain based, as we 12 talked the last time, that is a three-year contract 13 tied to grain base. That's only part of what we buy. 14 The only part is market-based spot pricing. 15 Q And Dressing business, what is Dressing 16 business? 17 A Mayonnaise. 18 Q Mayonnaise? 19 A Correct. 20 Q Is there anything else that would be 21 included in the category of dressing? 22 A It could be salad dressing. 23 Q Do you buy eggs for the salad dressing? 24 A They use eggs for salad dressing. 25 Q And so you are talking about maintaining a</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

30 (Pages 114 to 117)

<p style="text-align: right;">114</p> <p>1 mix of grain base and spot pricing for the dressing 2 business, correct?</p> <p>3 A Correct.</p> <p>4 Q It says: Stay spot for yolk for all 5 businesses. Do you see that?</p> <p>6 A Correct.</p> <p>7 Q Why did you make that recommendation?</p> <p>8 A I felt that that's the right thing to do 9 back then.</p> <p>10 Q For what reason?</p> <p>11 A Probably it has to do with the pricing. I 12 felt that egg prices -- yolk prices are stabilized, 13 and you don't want to lock in everything way ahead of 14 time. So part of risk management you do some fixed, 15 some market based, so that you are not hedging your 16 bets all in one basket, all eggs in one basket.</p> <p>17 Q It had to happen at some point during the 18 deposition.</p> <p>19 A Exactly right.</p> <p>20 Q All right.</p> <p>21 A It sure did.</p> <p>22 Q But this is based on your judgment about the 23 supply and demand for yolk in particular, correct?</p> <p>24 A Correct.</p> <p>25 Q Okay. Let's go to the last page. And this</p>	<p style="text-align: right;">116</p> <p>1 level. Many options you have. Then you -- you still 2 need that, by the way, not that we don't need, but 3 versus the egg. So this is all comparison versus 4 something else.</p> <p>5 Q Right.</p> <p>6 A It's not, you know, so you put them.</p> <p>7 Q You mentioned two things, I heard you 8 mention complexity and many options. So how does 9 complexity affect, the complexity of a product affect 10 where you are on this chart?</p> <p>11 A Egg is a very complex product to make 12 because of the salmonella issue and it is not so easy. 13 The shorter shelf life. You have to make in certain 14 timeframe and use it right away. You can't stock it. 15 You can't store it. So it is not an easy material. 16 Whereby, if I use the salt example again. Salt, you 17 make it, you use it three months later, four months 18 later.</p> <p>19 Q So would you consider the egg products that 20 you purchased for the mayonnaise business to be a 21 complex product?</p> <p>22 A Complex, important, strategic.</p> <p>23 Q You also mentioned in the case of salt there 24 would be many options; that is, if you -- I assume 25 that means that if you don't like the deal that one</p>
<p style="text-align: right;">115</p> <p>1 is, it says Eggs October 04 Update Egg Positioning 2 Matrix. This is the document that ends 820.</p> <p>3 A Okay.</p> <p>4 Q Can you explain this page?</p> <p>5 A So we, in our internal purchasing process, 6 we have a quadrant we always use. This quadrant is 7 called position metrics. Where would you plot eggs if 8 you have only four options? There are four buckets. 9 Whether you plot them on strategic side or on the low 10 end where it's not so important. Egg is important 11 ingredient for mayonnaise business and, hence, we 12 plotted that at the upper right-hand quadrant because 13 it is important material.</p> <p>14 Q Explain what -- what is it that puts a 15 product in the upper right-hand quadrant?</p> <p>16 A It's an important material for that 17 particular category.</p> <p>18 Q The 2 by 2, though, what is -- can you 19 explain to me the difference between the horizontal 20 low/high and the vertical low/high?</p> <p>21 A So if the material is not so important, not 22 so critical, you know, say salt, for example, all 23 right, it is not so critical, that would have dropped 24 on lower left-hand corner. Because it's not so 25 important, not so complex, easy material, very level</p>	<p style="text-align: right;">117</p> <p>1 salt vendor is providing you, you can easily go to 2 another salt vendor?</p> <p>3 A That could be one of the reasons or the 4 importance of salt in the material.</p> <p>5 Q Okay.</p> <p>6 A In the whole recipe. It is not as important 7 as eggs. It is not as complex as eggs. So that's the 8 example I'm trying to give you to compare why one 9 would fall on one quadrant and other would fall on 10 other quadrant.</p> <p>11 Q And I'm trying to follow-up. I thought you 12 said something about many options in salt.</p> <p>13 A That could be one of the reasons.</p> <p>14 Q Right.</p> <p>15 A Not the reasons.</p> <p>16 Q But what does that mean many options?</p> <p>17 A You have many different suppliers.</p> <p>18 Q Okay. In salt?</p> <p>19 A You could have.</p> <p>20 Q Okay.</p> <p>21 A Don't know why. For that particular reason 22 salt was dropping, that could be one of the factors.</p> <p>23 Q And what about in the egg products that you 24 purchased for mayonnaise, you've got them in the upper 25 right here.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

31 (Pages 118 to 121)

<p style="text-align: right;">118</p> <p>1 A Correct.</p> <p>2 Q Why are they in the upper right?</p> <p>3 A And again, I repeat again that it's</p> <p>4 important deal for that category. And you want to</p> <p>5 manage it. It's volatile. High spend. So you want</p> <p>6 to obviously pay more attention to that particular</p> <p>7 quadrant.</p> <p>8 Q What does, where it says Strategic, what</p> <p>9 does strategic mean?</p> <p>10 A It means that you give more importance. You</p> <p>11 have management involved on your supply relation, as</p> <p>12 you saw in the contract where my VP got involved on</p> <p>13 signing the contract. It's important for company and</p> <p>14 also that category.</p> <p>15 Q Okay. And what is the -- the bullet Ensure</p> <p>16 long-term availability of supply, what does that mean?</p> <p>17 A It means without eggs we are out of</p> <p>18 business.</p> <p>19 Q So as an egg products buyer what does that</p> <p>20 mean for you as far as an objective?</p> <p>21 A We have to make sure there is long-term</p> <p>22 availability of that particular ingredient in the</p> <p>23 marketplace.</p> <p>24 Q Okay. And the second bullet says: Focus on</p> <p>25 relationship building and process integration with</p>	<p style="text-align: right;">120</p> <p>1 together?</p> <p>2 A That's one of the things we did.</p> <p>3 Q And you referred to working together on</p> <p>4 supply chain optimization, what do you mean by that?</p> <p>5 A It means make sure that you have the best</p> <p>6 logistic arrangements. Best delivery arrangements.</p> <p>7 There are many factors goes on supply chain always.</p> <p>8 You want to make sure that it is the best available</p> <p>9 option from both sides.</p> <p>10 Q So you work together on that?</p> <p>11 A Correct.</p> <p>12 Q Okay. What does process integration with</p> <p>13 supplier mean?</p> <p>14 A It means that they have greater part of our</p> <p>15 process. One of the things could be that they may</p> <p>16 have control of how much stock we have or eggs in our</p> <p>17 factory, so that gives them the signal that to ship us</p> <p>18 more oil -- more eggs. Sorry.</p> <p>19 Q So you may share inventory information?</p> <p>20 A We may.</p> <p>21 Q That you ordinarily wouldn't share with a</p> <p>22 vendor?</p> <p>23 A Correct.</p> <p>24 Q But this -- in process integration you share</p> <p>25 that information in order to make things more</p>
<p style="text-align: right;">119</p> <p>1 supplier. What does that mean?</p> <p>2 A So you build long-term relation with the</p> <p>3 supplier like we did with the Michael's Food</p> <p>4 three-year contract. Again, the same thing. Why is</p> <p>5 that, because it's a strategic material.</p> <p>6 Q And when you say you built a long-term</p> <p>7 relationship, what do you mean you built a long-term</p> <p>8 relationship?</p> <p>9 A If you have a longer term contract, you work</p> <p>10 together on various projects.</p> <p>11 Q When you say you work together on various</p> <p>12 projects, what do you mean?</p> <p>13 A It means to either develop new product or</p> <p>14 supply chain --</p> <p>15 (Whereupon, request to repeat.)</p> <p>16 MR. GREENE: I didn't hear it either.</p> <p>17 A Develop new products. Supply chain</p> <p>18 optimization. Reduced cost. Variety of things as a</p> <p>19 partner you would do together.</p> <p>20 Q Did you consider Michael Foods to be a</p> <p>21 partner?</p> <p>22 A We obviously did, that's why we signed</p> <p>23 three-year contract. If we did not feel that way, we</p> <p>24 would not have signed a longer term contract.</p> <p>25 Q And as a partner you developed products</p>	<p style="text-align: right;">121</p> <p>1 efficient?</p> <p>2 A Correct.</p> <p>3 Q Did you, in fact, develop new products with</p> <p>4 Michael Foods?</p> <p>5 A I don't recall.</p> <p>6 Q Do you have any experience buying shell</p> <p>7 eggs?</p> <p>8 A No.</p> <p>9 Q None?</p> <p>10 A No. Not for company.</p> <p>11 Q For, I mean -- I don't mean buying at the</p> <p>12 supermarket, I just mean in any business setting.</p> <p>13 A No.</p> <p>14 MR. GREENE: I'm going to mark Daga</p> <p>15 Exhibit 9.</p> <p>16 (Pricing Document, Bates CPCEGED000066528,</p> <p>17 marked as Daga Exhibit 9, as of this date.)</p> <p>18 MR. GREENE: And here I'll try and clarify</p> <p>19 for the record.</p> <p>20 This is a spreadsheet. These are selected</p> <p>21 documents from I think a spreadsheet. The first</p> <p>22 page is CPCEGED000 -- I'm not sure how many</p> <p>23 zeros -- 66528. It says underscore Jan</p> <p>24 underscore Highly Confidential. They're not --</p> <p>25 MR. MURRAY: They're not consecutive.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

32 (Pages 122 to 125)

<p style="text-align: right;">122</p> <p>1 MR. GREENE: They are not consecutive. I 2 think if you look at the top their monthly 3 pricing form, they say Unilever/Best Foods, and I 4 believe they are chronological with some gaps. 5 The first one has delivery dates 1/4/04 to 6 1/31/04, and I think the last one has delivery 7 dates 4/1/07 to 4/30/07. 8 MR. MURRAY: Were they produced like this or 9 you compiled this? Because these numbers aren't 10 consecutive. 11 MR. GREENE: They are consecutive. I think 12 in the case of spreadsheets, if you actually 13 printed everything out that you could, you'd end 14 up with an enormous document. What you have 15 here, I believe, my representation is, I think 16 this is an intent to compile the like documents 17 for each period we could find them from January 18 of '04 to April of '07. I believe the gap from 19 April to May is when we couldn't fill with the 20 Conopco documents, so I think that's my best 21 representation. 22 MR. MURRAY: Okay, but there's also emails 23 in here, too. 24 MR. GREENE: Where? 25 MR. MURRAY: Well, 84612. There's emails in</p>	<p style="text-align: right;">124</p> <p>1 and, you know, see how it was put together and 2 see if there's other things that might be missing 3 or... 4 MR. GREENE: Understood. Understood. And 5 we're all acting in good faith here. 6 MR. MURRAY: Right, right. 7 MR. GREENE: Spreadsheets are hard. 8 MR. MURRAY: I understand. This is a 9 compilation. And there's at least one error we 10 noted and we're reserving the right to look and 11 see if there's anything else that might be 12 irregular. 13 MR. GREENE: Okay. Fair enough. 14 BY MR. GREENE: 15 Q Mr. Daga, let's just look at the very first 16 page of this. 17 A Uh-hum. 18 Q Do you recognize this type of document? 19 A Yes, I do. 20 Q What is it? 21 A It's a monthly pricing sheet for Michael's 22 Food. It says clearly Monthly Pricing. 23 Q And in the case of prices that change from 24 month to month, each month you would see different 25 prices, correct?</p>
<p style="text-align: right;">123</p> <p>1 the middle of this. 2 MR. GREENE: Can I see? Maybe it's a 3 copying error. 4 MR. MURRAY: Yeah. If you go towards the 5 back, it's about the fourth or fifth document. 6 MR. GREENE: Can we go off the record for a 7 moment. Let's go off the record. 8 THE VIDEOGRAPHER: The time is 11:48 a.m. 9 We're going off the record. 10 (Whereupon, off the record.) 11 (Whereupon, resumed.) 12 THE VIDEOGRAPHER: The time is 11:49 a.m. 13 We're back on the record. 14 MR. GREENE: All right. Mr. Murray has been 15 good enough to point out what I believe was a 16 copying error in producing the exhibit. 17 Towards the back of the exhibit there's a 18 document that reads CPCEGED00084612. It's an 19 email. My belief, my representation is that it 20 was inadvertently included in this group of 21 documents. We're going to leave it in the 22 exhibit noting that it's inadvertently there, I'm 23 not going to question on it. 24 MR. MURRAY: And we reserve the right to 25 challenge this compilation once we go through it</p>	<p style="text-align: right;">125</p> <p>1 A Correct. 2 Q Okay. So, for example, this, this first 3 page, the cover page of Exhibit 9, has delivery dates 4 of January 4, 2004, to January 31, 2004, correct? 5 A Correct. 6 Q Okay. And the -- the first product on the 7 sheet at the top in Chicago. Do you see that? 8 A Yes. 9 Q There's two products. It looks like on the 10 left is the Michael Foods number 4602585686-00. 11 A Correct. 12 Q Is that correct? 13 A Correct. 14 Q And on the extreme right is that the 15 Unilever number? 16 A Correct. 17 Q 1226020? 18 A Correct. 19 Q And at the top of the sheet is that the -- 20 this is the product, the numbers I just gave, for the 21 product, the blend, the liquid blend that was covered 22 by the three-year contract we looked at before, 23 correct? 24 A Also it includes the one which is not 25 covered in the contract which is market based.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

33 (Pages 126 to 129)

<p style="text-align: right;">126</p> <p>1 Q Right.</p> <p>2 A The two-line item with exactly the same item</p> <p>3 numbers.</p> <p>4 Q Same item numbers. This is the, this is the</p> <p>5 item that's referred to in that three-year contract,</p> <p>6 though, correct?</p> <p>7 A This is item.</p> <p>8 Q All right.</p> <p>9 A Correct.</p> <p>10 Q And so we looked and we saw in the</p> <p>11 Exhibit 7, the contract, there was a quantity of 10</p> <p>12 loads per week, correct?</p> <p>13 A Maximum.</p> <p>14 Q Maximum. Right. So can you explain how the</p> <p>15 quantity, how the pricing and the quantity worked with</p> <p>16 these top two lines that relate to the same actual</p> <p>17 product?</p> <p>18 A So, first, 10 loads obviously will come at a</p> <p>19 price of 5378, that's the price as per the grain-based</p> <p>20 contract.</p> <p>21 Q Okay.</p> <p>22 A If we need anything more than that, then</p> <p>23 we'll go market-based contract which is at a higher</p> <p>24 price.</p> <p>25 Q Okay. At this particular time?</p>	<p style="text-align: right;">128</p> <p>1 (First 10 loads each week) in 2005, correct?</p> <p>2 A Correct.</p> <p>3 Q I'd like you to turn to the page within</p> <p>4 Exhibit 9 that has the delivery dates of 12/1/05 to</p> <p>5 12/31/05.</p> <p>6 A Okay.</p> <p>7 Q All right. And here, again, the top two</p> <p>8 line items on the page refer to the product that</p> <p>9 we've -- the liquid blend that we've been talking</p> <p>10 about, correct?</p> <p>11 A Correct.</p> <p>12 Q All right. And the first line says Grain</p> <p>13 Based Price (First 10 loads each week), the way we've</p> <p>14 seen it before, correct?</p> <p>15 A Correct.</p> <p>16 Q And then after that you have the market</p> <p>17 price, correct?</p> <p>18 A Correct.</p> <p>19 Q Okay. Now flip to the next page, January 1,</p> <p>20 '06 to January 31, '06.</p> <p>21 A Okay.</p> <p>22 Q And now it says Grain Based Price (First 7</p> <p>23 loads each week, remaining loads at formula price).</p> <p>24 And if you continue to flip through the 2006</p> <p>25 sheets that follow, they continue to say loads each</p>
<p style="text-align: right;">127</p> <p>1 A For this particular period.</p> <p>2 Q And that could change over time, correct?</p> <p>3 A This is only for that period January.</p> <p>4 Q Right. Right. So the first 10 loads would</p> <p>5 be priced at the grain-based price and anything in</p> <p>6 addition that Unilever needed would be priced at a</p> <p>7 market-based price, correct?</p> <p>8 A Correct.</p> <p>9 Q Now, I notice that if you -- and, again,</p> <p>10 I'll represent to my -- our best effort was to produce</p> <p>11 these chronologically, if you flip through.</p> <p>12 A Okay.</p> <p>13 Q There are some gaps, but they should be</p> <p>14 chronological in the sense that later documents follow</p> <p>15 earlier ones?</p> <p>16 A Okay.</p> <p>17 Q And as you go through you notice that you</p> <p>18 continue to see this grain-based price first 10 loads</p> <p>19 per week in the other pricing sheets that occur in</p> <p>20 2004, correct? It says Grain Based Price (First 10</p> <p>21 loads each week)?</p> <p>22 A Looks like, yes.</p> <p>23 Q You can flip through and see 2004.</p> <p>24 A Yep.</p> <p>25 Q You continue to see that Grain Based Price</p>	<p style="text-align: right;">129</p> <p>1 week. And you received these each month, correct?</p> <p>2 A Correct.</p> <p>3 Q Okay. And this is part, you would see these</p> <p>4 as part of your ordinary duties as egg products</p> <p>5 purchaser, correct?</p> <p>6 A Correct.</p> <p>7 Q Okay. Can you explain why the entry goes</p> <p>8 down from first 10 loads each week to first 7 loads</p> <p>9 each week between December '05 and January of '06?</p> <p>10 A One theory behind this could be that we may</p> <p>11 have exceeded --</p> <p>12 MR. MURRAY: Did you say January of '06?</p> <p>13 MR. GREENE: Correct.</p> <p>14 Give Mr. Murray a moment.</p> <p>15 Mr. Murray, I'm comparing the sheet that has</p> <p>16 at the top 12/1/05 to 12/31/05. Do you see that</p> <p>17 one?</p> <p>18 MR. MURRAY: Okay.</p> <p>19 MR. GREENE: And then the following one.</p> <p>20 I've been in your shoes before. I'll wait.</p> <p>21 MR. MURRAY: Okay. I got that one. And</p> <p>22 you're going through to...</p> <p>23 MR. GREENE: The next page.</p> <p>24 MR. MURRAY: Oh, just the next page. Okay.</p> <p>25 MR. GREENE: The next page.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

34 (Pages 130 to 133)

<p style="text-align: right;">130</p> <p>1 MR. MURRAY: All right. Okay. All right.</p> <p>2 I see that.</p> <p>3 BY MR. GREENE:</p> <p>4 Q So, just to review. It appears that between</p> <p>5 the end of '05 and early '06 the sheets no longer</p> <p>6 provide for grain-based price for the first 10 loads</p> <p>7 each week, they start to provide for grain-based</p> <p>8 prices for the first seven loads each week. Do you</p> <p>9 see that?</p> <p>10 A That's right, I see that, yes.</p> <p>11 Q Okay. Why was there a change from 10 loads</p> <p>12 per week at grain based to seven loads per week at</p> <p>13 grain based?</p> <p>14 A So one possible explanation could be that we</p> <p>15 may have run ahead on our contract. And the contract</p> <p>16 was for, if you remember that, was for 57 million</p> <p>17 pounds of this 13 million pound per year was for the</p> <p>18 grain based. So when you're reconciling your three</p> <p>19 years, you may have run ahead on the grain based in</p> <p>20 the first two years. And since 2006 was the last year</p> <p>21 of the contract you want to balance out. And hence,</p> <p>22 reset, make sure you don't exceed what you committed</p> <p>23 for the grain-based portion.</p> <p>24 Q You said a possibility. Do you recall why</p> <p>25 this changed?</p>	<p style="text-align: right;">132</p> <p>1 want to.</p> <p>2 Q All right. And you don't recall?</p> <p>3 A No.</p> <p>4 Q Do you recall whether Michael Foods made you</p> <p>5 or compelled you in some way to go from 10 loads to 7</p> <p>6 loads?</p> <p>7 A I don't recall.</p> <p>8 Q During this period, the price, market price</p> <p>9 of shell eggs was in a very low, depressed state, was</p> <p>10 it not?</p> <p>11 A I don't recall that.</p> <p>12 Q You don't recall. At any given time it can</p> <p>13 be advantageous to be at market-based prices --</p> <p>14 A Correct.</p> <p>15 Q -- if the price of the -- if the prevailing</p> <p>16 market price is very low, correct?</p> <p>17 A Correct.</p> <p>18 Q Okay. It can be advantageous to be grain</p> <p>19 when the market is high, correct?</p> <p>20 A Correct.</p> <p>21 Q And it could be disadvantageous to be grain</p> <p>22 when the market is low?</p> <p>23 A That's why we didn't buy all of it under</p> <p>24 that arrangement. You see the very first sheet, it</p> <p>25 was opposite.</p>
<p style="text-align: right;">131</p> <p>1 A That's a possibility.</p> <p>2 Q Right.</p> <p>3 A That may have happened that to, you know,</p> <p>4 typical contract arrangement here, a three-year</p> <p>5 contract, you have -- you allocate X volume per year</p> <p>6 for three years. Sometimes you run ahead. Say if you</p> <p>7 bought three one each of each of the three years, but</p> <p>8 at the end of the two years say you already have</p> <p>9 gotten 2.5, so you only have half left over. You have</p> <p>10 to cut down, slow down to make up because you ran</p> <p>11 ahead in the first two years.</p> <p>12 Q Well, before -- I'm going to ask you more</p> <p>13 questions about that.</p> <p>14 A Sure.</p> <p>15 Q But you're referring to a possibility, and</p> <p>16 my question is: Do you remember actually why this</p> <p>17 occurred?</p> <p>18 A No, I don't remember now. That could be one</p> <p>19 of the possibility what we do, typically do --</p> <p>20 Q Okay.</p> <p>21 A -- to balance out.</p> <p>22 Q Right. Is it possible also that Unilever</p> <p>23 asked to reduce the number of truckloads at</p> <p>24 grain-based price from 10 to 7?</p> <p>25 A Could we ask, yes, we could ask anything we</p>	<p style="text-align: right;">133</p> <p>1 Q The very first sheet is opposite, what do</p> <p>2 you mean?</p> <p>3 A It's saying the grain base was lower versus</p> <p>4 market base. So somewhere towards the year number</p> <p>5 three or somewhere it got reversed.</p> <p>6 Q Right. By this time it looks like the --</p> <p>7 now I'm talking January of '06 -- the market price</p> <p>8 is --</p> <p>9 A Lower.</p> <p>10 Q -- is lower.</p> <p>11 A Correct.</p> <p>12 Q 43 -- .4377 instead of .5011, so it would be</p> <p>13 advantageous to only have to buy 7 loads of grain</p> <p>14 rather than 10, correct?</p> <p>15 A Not necessarily.</p> <p>16 Q Why is that?</p> <p>17 A We have obligation for to buy X million</p> <p>18 pound under the grain-based contract, so we have to</p> <p>19 fulfill our obligation. If the contract is 13 million</p> <p>20 pounds, as you saw in the contract, we have to take 39</p> <p>21 million pounds under grain based.</p> <p>22 Q Wasn't the contract set up so that if you</p> <p>23 took 10 truckloads per week you would meet the</p> <p>24 contract number?</p> <p>25 A We have planned that way. It may not have</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

35 (Pages 134 to 137)

<p style="text-align: right;">134</p> <p>1 happened that way and that's why you reset during the</p> <p>2 duration of the contract to make sure you are on</p> <p>3 schedule. You don't want to wait until last month of</p> <p>4 the contract then realize that either of the party did</p> <p>5 not fulfill their part of the agreement.</p> <p>6 Q Okay. But you don't have any -- you don't</p> <p>7 have any recollection as you sit here as to why you</p> <p>8 went from 10 to 7?</p> <p>9 A Like I said before, that's what typical</p> <p>10 thing we do. For a longer term contract we honor our</p> <p>11 part of the bargain and vice versa.</p> <p>12 Q Okay. So other than an explanation having</p> <p>13 to do with honor the bargain, you have no other</p> <p>14 recollection as to why it went from 10 to 7?</p> <p>15 A I don't know why. I don't recall anything</p> <p>16 else.</p> <p>17 (Transactional Data Spreadsheet marked as</p> <p>18 Daga Exhibit 10, as of this date.)</p> <p>19 MR. GREENE: I'll make a representation</p> <p>20 here.</p> <p>21 BY MR. GREENE:</p> <p>22 Q Mr. Daga, this is displaying data from Bates</p> <p>23 ID CPCEGTD00000001, which was exported natively from</p> <p>24 the Joint Document Repository.</p> <p>25 MR. GREENE: TD, counsel, is that</p>	<p style="text-align: right;">136</p> <p>1 across and maybe you could just explain to me what</p> <p>2 these headings are.</p> <p>3 A Let's start with the Vendor number because</p> <p>4 I'm not --</p> <p>5 Q Do you know what the PurchD -- PurchDoc, do</p> <p>6 you know what that is?</p> <p>7 A I don't know what it means 5E+09.</p> <p>8 Q Okay.</p> <p>9 A I don't know what that means. It's some</p> <p>10 kind of formula here.</p> <p>11 Q Okay. The next one I think says Item.</p> <p>12 A Item, so it must be some kind of item.</p> <p>13 Q Looks like the numbers go from 1 to 4, 1 to</p> <p>14 5 maybe, you don't know what that is?</p> <p>15 A I don't know what that is.</p> <p>16 Q Okay. Vendor number.</p> <p>17 A That's the vendor number for Michael's Food.</p> <p>18 Q It changes, right, because there's different</p> <p>19 vendors on here?</p> <p>20 A Yes. So each vendor has their own number.</p> <p>21 Crystal Lake is the next one. So they have their</p> <p>22 number ending in 406.</p> <p>23 Q Okay.</p> <p>24 A So each vendor has a unique ID number.</p> <p>25 Q All right.</p>
<p style="text-align: right;">135</p> <p>1 transactional data? Is that what that Bates</p> <p>2 number is supposed to mean?</p> <p>3 MR. MURRAY: I'm not sure.</p> <p>4 MR. GREENE: I'm guessing that's the case.</p> <p>5 It's identified in some of the interrogatory</p> <p>6 responses.</p> <p>7 MR. MURRAY: It probably is.</p> <p>8 MR. GREENE: Yes. What I'll represent to</p> <p>9 you is, if this were completely printed out, it</p> <p>10 would be a 164-page document.</p> <p>11 MR. MURRAY: Right.</p> <p>12 MR. GREENE: We have printed out the first</p> <p>13 two pages and the last two pages. I'm not</p> <p>14 interested in every entry in every page, I just</p> <p>15 wanted to be able to understand the document.</p> <p>16 MR. MURRAY: Sure.</p> <p>17 BY MR. GREENE:</p> <p>18 Q Are you familiar with this arrangement of</p> <p>19 transactional data?</p> <p>20 A We use our transactional system, yes.</p> <p>21 Q So this is something you recognize in</p> <p>22 format?</p> <p>23 A Yes.</p> <p>24 Q Okay. And so can you help me. This is,</p> <p>25 looking at Exhibit 10, if you can just -- let's go</p>	<p style="text-align: right;">137</p> <p>1 A The next column Vendor Name, obviously, so</p> <p>2 that's the vendor name.</p> <p>3 Q Let's stop for a moment here.</p> <p>4 If I wanted to identify all the vendors that</p> <p>5 sold egg products to Conopco, I could simply print out</p> <p>6 the 164 pages and look at that column, correct?</p> <p>7 A In theory that should be the right way of</p> <p>8 getting it done.</p> <p>9 Q All right. Would anything be wrong with</p> <p>10 that?</p> <p>11 A Unless there's system errors.</p> <p>12 Q Okay.</p> <p>13 A Sometimes the system doesn't capture in the</p> <p>14 system. This came from various system, so sometime</p> <p>15 system doesn't do interfacing or could be.</p> <p>16 Q Absent a system error, that would be an</p> <p>17 appropriate way to identify who the vendors are that</p> <p>18 sold to Conopco?</p> <p>19 A Yes. In theory, yes.</p> <p>20 Q Okay. The next column.</p> <p>21 A The next column is called Material Group.</p> <p>22 Each material has to belong to a group. R means raw,</p> <p>23 so that's a raw ingredient we buy. And eggs.</p> <p>24 Q And so this is, it looks like these are all</p> <p>25 R eggs?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

36 (Pages 138 to 141)

<p style="text-align: right;">138</p> <p>1 A These should be all R eggs.</p> <p>2 Q Okay.</p> <p>3 A Looks like.</p> <p>4 Q All right.</p> <p>5 A The next one is Material Number, so that</p> <p>6 unique spec number we had in the contract. Remember</p> <p>7 that. So spec number and the description of that</p> <p>8 number.</p> <p>9 All right. The next thing is --</p> <p>10 Q So do those two go together, material and</p> <p>11 material description?</p> <p>12 A Correct.</p> <p>13 Q One's a number and one's words?</p> <p>14 A Correct.</p> <p>15 Q Okay.</p> <p>16 A Next is Purchasing Org, so that's probably</p> <p>17 Conopco. Each of the entity belong to, looks like</p> <p>18 it's all Conopco.</p> <p>19 Q Does that mean that if we found an entry --</p> <p>20 if we found a transaction involving Ben & Jerry's, it</p> <p>21 would have a different entry there?</p> <p>22 A In theory it should.</p> <p>23 Q Okay.</p> <p>24 A Although I can't tell you a hundred percent</p> <p>25 that's all parties.</p>	<p style="text-align: right;">140</p> <p>1 Q Okay. This would just be who happened to</p> <p>2 enter it into the system?</p> <p>3 A Correct.</p> <p>4 Q Okay. All right. Plant?</p> <p>5 A So that's the plant number and plant name.</p> <p>6 So the very first line 663, that's our factory in</p> <p>7 Owensboro. Owensboro, Kentucky.</p> <p>8 Q Okay. So that -- when I see the plant next</p> <p>9 to the name, again, we have a number and a word</p> <p>10 description and they go together as a pair?</p> <p>11 A Correct.</p> <p>12 Q All right. And what is made in Owensboro?</p> <p>13 A Pasta sauce.</p> <p>14 Q Where is Owensboro, what state?</p> <p>15 A Kentucky.</p> <p>16 Q So now we have Sloc is the next column</p> <p>17 heading.</p> <p>18 A I don't know what S-I-o-c is.</p> <p>19 Q Doc Date?</p> <p>20 A It must have been printed that day or -- or</p> <p>21 for that period. Some kind of date reference here it</p> <p>22 looks like. Or the date of -- it's some kind of date</p> <p>23 reference.</p> <p>24 Q Okay.</p> <p>25 A Or on that date maybe that on November 10th</p>
<p style="text-align: right;">139</p> <p>1 Next is the Purchasing Group so that each of</p> <p>2 the buyer have a number. So I have a number. My</p> <p>3 number, you know, represent a number here.</p> <p>4 Q Oh, so PR -- PGR?</p> <p>5 A PGR, yeah.</p> <p>6 Q Okay.</p> <p>7 A It's called purchasing group, so PGR.</p> <p>8 Q So why are there different numbers? Looks</p> <p>9 like 28 --</p> <p>10 A And seven.</p> <p>11 Q -- 7 and Z95 appear in -- and also the 48</p> <p>12 later on, why are there different numbers here?</p> <p>13 A It depends who keyed in the contract in the</p> <p>14 system. Sometimes it could be the same person who</p> <p>15 bought or sometime I send it out to somebody else</p> <p>16 within our company to enter the contract in our SAP</p> <p>17 system.</p> <p>18 Q Well, apart from sort of the data entry</p> <p>19 thing, were you the buyer for all of these contracts</p> <p>20 through 2007?</p> <p>21 A Yes. Yes.</p> <p>22 Q But these numbers don't represent that</p> <p>23 different people were negotiating the terms of the</p> <p>24 contracts?</p> <p>25 A Correct.</p>	<p style="text-align: right;">141</p> <p>1 we had bought 14,000 pounds from Michael's Food.</p> <p>2 Q Okay. So quantity is -- Quantity and Weight</p> <p>3 is --</p> <p>4 A Yeah.</p> <p>5 Q -- simply the 14, in this case --</p> <p>6 A Yeah.</p> <p>7 Q -- the first entry 14,000 pounds?</p> <p>8 A Correct.</p> <p>9 Q Net Value, that would be the amount paid?</p> <p>10 A Correct.</p> <p>11 Q And the Price would be the Net Value divided</p> <p>12 by the Quantity?</p> <p>13 A Correct.</p> <p>14 Q Currency is U.S. Dollars?</p> <p>15 A Yep.</p> <p>16 Q The weight is --</p> <p>17 A By pound.</p> <p>18 Q -- by pound. Is there any difference</p> <p>19 between that, the second Weight column and the first</p> <p>20 Weight column?</p> <p>21 A So quantity ordered was 14,000 and in theory</p> <p>22 it should be, you know, the price would reflect that.</p> <p>23 You can't have a quantity order of 14,000 pounds and</p> <p>24 price on kilogram, then you'll have a problem. Looks</p> <p>25 like they're all pounds, pounds, pounds.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

37 (Pages 142 to 145)

<p style="text-align: right;">142</p> <p>1 Q Yeah, I'm just trying to understand why 2 there's two Weight columns.</p> <p>3 A Sometimes some other material you have you 4 may have difference.</p> <p>5 Q Okay. And the Type, it looks like most of 6 them are POs but there are some UBs.</p> <p>7 A Looks like purchase orders.</p> <p>8 Q Okay. And what is UB?</p> <p>9 A No, I don't know what UB is. Don't know.</p> <p>10 Q All right.</p> <p>11 MR. GREENE: Exhibit 11. 12 (Purchase Spreadsheet marked as Daga 13 Exhibit 11, as of this date.)</p> <p>14 MR. GREENE: And I'll represent to you 15 Exhibit 11 from the same database is intended to 16 be using the Doc Date field 2004-2006 purchases 17 from Michael Foods of the SKU 1260220. The first 18 transaction is January 2004, and the last one is 19 October 2006.</p> <p>20 MR. MURRAY: What did you do again? You 21 went -- you went into the data and extracted just 22 the ones for this particular product?</p> <p>23 MR. GREENE: For this SKU 12260220 2004 to 24 2006 purchases.</p> <p>25 MR. MURRAY: This is an extraction you made</p>	<p style="text-align: right;">144</p> <p>1 You see there's a quantity 200,000 and net 2 value 128 -- \$120,800, those come from the 3 transactional data. You understand that?</p> <p>4 A Okay. Yes.</p> <p>5 Q Those are actually extracted.</p> <p>6 And then this is a -- the last column is a 7 division that's not part of the transactional data 8 that's produced.</p> <p>9 A All right.</p> <p>10 Q But would that be an appropriate way to 11 calculate the price here?</p> <p>12 A If you have the quantity, if you have the 13 value, then that's a calculation one can do.</p> <p>14 Q Okay.</p> <p>15 A The question is that correct or not, I can't 16 tell you.</p> <p>17 Q So let me ask you to take a look again -- 18 can you put Exhibit 9 back in front of you? This is 19 the monthly sheets.</p> <p>20 A Okay.</p> <p>21 Q And I just want to see if I can understand 22 how to read the transaction data in the monthly sheet. 23 So, for example, let's take a look at 24 January 9th of 2004, the third line of Exhibit 11.</p> <p>25 A Okay.</p>
<p style="text-align: right;">143</p> <p>1 from the data we produced?</p> <p>2 MR. GREENE: Correct.</p> <p>3 BY MR. GREENE:</p> <p>4 Q And the last column is an added column, it's 5 not in the data, I wanted to ask you about that to 6 make sure that I'm doing it right.</p> <p>7 The quantity is in the data. The net value 8 is in the data. And you'll see we've added a last 9 column of dividing net value divided by quantity.</p> <p>10 A Okay.</p> <p>11 Q Okay? And is that an appropriate 12 calculation in order to come up with the price?</p> <p>13 MR. MURRAY: Before he answers, I'm going to 14 just reserve our right to go back after the 15 deposition, obviously, and verify the information 16 and see how this is done because it's an 17 extraction with additional calculations to data 18 we produced.</p> <p>19 MR. GREENE: Correct. That's just fine. 20 Again, we're all operating in good faith and if 21 you find something else like the email before, 22 I'm happy to work with you on it.</p> <p>23 BY MR. GREENE:</p> <p>24 Q Let's take a look at the first entry in 25 Exhibit 11.</p>	<p style="text-align: right;">145</p> <p>1 Q Can you see the third line of Exhibit 11?</p> <p>2 A Third line, okay.</p> <p>3 Q All right. It's got a Doc Date of 1/9/2004. 4 Do you see that?</p> <p>5 A Yep.</p> <p>6 Q It has a quantity of 400,000.</p> <p>7 A Correct.</p> <p>8 Q And that's exactly 10 tanker loads, correct?</p> <p>9 A Correct.</p> <p>10 Q And it has a net value of \$258,120, correct?</p> <p>11 A Correct.</p> <p>12 Q And that's the total price that Conopco paid 13 for that purchase, correct?</p> <p>14 A Not correct.</p> <p>15 Q That's not the amount for the 400,000?</p> <p>16 A That's what is the projected value and not 17 actually what we paid.</p> <p>18 Q What would be the difference?</p> <p>19 A This is what we ordered 400,000, not 20 necessarily what we received.</p> <p>21 Q Okay. So what is the -- what is the 22 significance? This is entered at the time of the 23 order; is that correct?</p> <p>24 A This is what we, correct.</p> <p>25 Q All right. So -- it's a helpful</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

38 (Pages 146 to 149)

<p style="text-align: right;">146</p> <p>1 clarification.</p> <p>2 This is -- this is the, the amount that you</p> <p>3 expected to pay based on receiving 400,000 pounds?</p> <p>4 A If you got exactly 400,000 pounds?</p> <p>5 Q Right.</p> <p>6 A Then yes.</p> <p>7 Q Okay.</p> <p>8 A That's what we would have paid to.</p> <p>9 Q You would have paid \$215,120, correct?</p> <p>10 A Correct.</p> <p>11 Q All right. And it shows a price using our</p> <p>12 calculation of .5378, correct?</p> <p>13 A Correct.</p> <p>14 Q And if you look at the Exhibit 9 for the</p> <p>15 period January 4, 2004, to January 31, 2004, you see</p> <p>16 the grain-based price is .5378, correct?</p> <p>17 A Correct.</p> <p>18 Q So is it fair to treat that line with the</p> <p>19 400,000 quantity as the portion that's being priced</p> <p>20 according to the grain-based price?</p> <p>21 A That's correct.</p> <p>22 Q All right. And then the next, you can see</p> <p>23 the next line, there's another line January 9, 2004,</p> <p>24 correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">148</p> <p>1 before we take a break.</p> <p>2 (Email, Bates CPCEGED000083988 to</p> <p>3 CPCEGED000083989, marked as Daga Exhibit 12, as</p> <p>4 of this date.)</p> <p>5 BY MR. GREENE:</p> <p>6 Q I show you what's been marked as Daga</p> <p>7 Exhibit 13. For the record, it's CPCEGED000083988.</p> <p>8 This is from Conopco's document. It's an</p> <p>9 email from Jason Taylor to you. Do you see that?</p> <p>10 A Yes, I do.</p> <p>11 Q Is this an email you received from</p> <p>12 Mr. Taylor on or about August 24, 2006?</p> <p>13 A That's what it says.</p> <p>14 Q And do you recognize who Mr. Taylor is?</p> <p>15 A Yes, I do.</p> <p>16 Q Who's Mr. Taylor?</p> <p>17 A The title of the document says VP Sales for</p> <p>18 Ingredient Division Michael Foods.</p> <p>19 Q All right. Did you have occasion to work</p> <p>20 with him when you were egg buyer?</p> <p>21 A Yes.</p> <p>22 Q Okay. And did you work -- did you have</p> <p>23 contact with these other people on this list?</p> <p>24 Mr. Brommer?</p> <p>25 A Brommer, Jason and Toby, not Kevin.</p>
<p style="text-align: right;">147</p> <p>1 Q And that's a quantity of 178,320, correct?</p> <p>2 A Correct.</p> <p>3 Q All right. And that has a net value of</p> <p>4 107,705.28, correct?</p> <p>5 A Correct.</p> <p>6 Q And the price again that's derived by doing</p> <p>7 net value divided by quantity is .6040, correct?</p> <p>8 A Correct.</p> <p>9 Q And that matches the second price on</p> <p>10 Exhibit 9, the first page, January 4, 2004, to January</p> <p>11 31, 2004, correct?</p> <p>12 A Correct.</p> <p>13 Q Okay. And that matches the market price,</p> <p>14 right?</p> <p>15 A Correct.</p> <p>16 Q All right. So, if you wanted to go through</p> <p>17 the transactional data and match the prices that were</p> <p>18 paid according to the orders to these pricing sheets,</p> <p>19 you could do what we just did and match the prices to</p> <p>20 see whether they match the grain-based price or the</p> <p>21 market price, correct?</p> <p>22 A They're for the same system so it has to</p> <p>23 match.</p> <p>24 Q Okay. That's all.</p> <p>25 MR. GREENE: Just a couple more exhibits</p>	<p style="text-align: right;">149</p> <p>1 Q Okay. This is, Mr. Taylor's telling you:</p> <p>2 Ramesh - We look forward to meeting with you tomorrow</p> <p>3 to discuss the UEP program and also start the</p> <p>4 2007-2009 contract negotiations.</p> <p>5 I think we -- when we looked at the contract</p> <p>6 for the liquid blend that was being purchased at</p> <p>7 Kilbourn.</p> <p>8 A Yes.</p> <p>9 Q That contract was for 2004 to 2006, correct?</p> <p>10 A Correct.</p> <p>11 Q So we're now in August of 2006 and Michael</p> <p>12 Foods is saying, let's talk about 2007 to 2009. And</p> <p>13 then there's an attachment to -- with a proposed</p> <p>14 agenda that Mr. Taylor sent; is that correct?</p> <p>15 A Correct.</p> <p>16 Q Okay. And you can see there are various</p> <p>17 categories that are being put on the agenda. You can</p> <p>18 look at any of them.</p> <p>19 The second one from the bottom says</p> <p>20 Grain-Based Contract Pricing 2007-2009. Kevin &</p> <p>21 Jason.</p> <p>22 A Okay.</p> <p>23 Q Did you have a discussion in the middle of</p> <p>24 2006 about entering into another grain-based contract</p> <p>25 with Michael Foods?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

39 (Pages 150 to 153)

<p style="text-align: right;">150</p> <p>1 A That's what agenda was so we have talked 2 about the next three-year contract. 3 Q Did Michael Foods offer you the opportunity 4 to enter into another grain-based contract? 5 A I don't recall. 6 Q Do you recall -- do you have any 7 recollection of them indicating to you they would be 8 unwilling to enter into a grain-based contract? 9 A I don't recall that either. 10 Q In fact, from the agenda there's a -- from 11 the agenda there's a suggestion that they were open to 12 the idea, isn't there? 13 A Okay. All right, so they must have been 14 open, I guess. 15 Q Did you, in fact, enter into another 16 grain-based contract for 2007 to 2009? 17 A I phased out after '07, so I don't need to 18 go over after 2007, so I don't quite know what type of 19 contract arrangement we made for the next several 20 years. 21 Q Well, you -- the contract for 2007 and 2009 22 was entered in 2006, was it not? 23 A I don't recall when we entered into the 24 contract for 2007. That would be the logical thing 25 but I don't know exactly when that happened, if that</p>	<p style="text-align: right;">152</p> <p>1 BY MR. GREENE: 2 Q Now, this is an email from -- it's a couple 3 emails. 4 If you look at the bottom one is October 6 5 from Jason Taylor to you with some cc's. And the top 6 email is an email from Jason Taylor to you and other 7 recipients, also cc'ing you, October 12, 2006. Do you 8 see that? 9 A Uh-hum. 10 Q And these are Conopco documents. Did you 11 receive these emails from Mr. Taylor? 12 A It says it came from Jason to me, so it has 13 to be right. 14 Q All right. So it appears -- and, again, you 15 can look at any portion of this you like. 16 This comes in October two months after 17 Michael Foods presented you with a meeting agenda that 18 included a category for grain-based contracts; is that 19 correct? 20 A Say that again. Repeat your question. 21 Q You recall that in August of 2006 Michael 22 Foods presented you with an agenda that included 23 grain-based contracts as one of the categories? 24 A Correct. 25 Q Okay. And now we're in October of 2006,</p>
<p style="text-align: right;">151</p> <p>1 happened. 2 Q And you don't remember what Conopco's 3 objectives or desires were at the end of 2006 4 regarding the pricing of its next contract? 5 A We had to work out some pricing arrangement. 6 Q Right. 7 A And our objective was again to do best 8 possible thing for our corporation. 9 Q And in 2003 you decided that the best thing 10 for Conopco was to enter into a grain-based contract, 11 correct? 12 A Part of our requirement. 13 Q Correct. And my question is: What did you 14 decide to do at the end of 2006? 15 A I don't recall what decision was made 16 because I was phasing out and I was in the process of 17 transitioning. 18 Q When did you know you were phasing out? 19 A Right around the end of six, early seven. 20 MR. GREENE: Exhibit 13. 21 (Email Exchange, Bates CPCEGED000084327 to 22 CPCEGED000084328, marked as Daga Exhibit 13, as 23 of this date.) 24 MR. GREENE: Exhibit 13 is CPCEGED000084327. 25</p>	<p style="text-align: right;">153</p> <p>1 correct? 2 A Correct. 3 Q So approximately two months later? 4 A Yes. 5 Q Okay. And you are talking about 2007 price 6 sheet, that's the subject matter, correct? 7 A Correct. 8 Q All right. And actually I missed it. In 9 the middle is an email from you. The bottom -- 10 A Uh-hum. 11 Q I'm going to clear up the record on Daga 12 Exhibit 3. 13 There's three emails. The bottom is an 14 email from Jason Taylor to you October 6, 5:51 p.m. 15 The middle of the page is an email from you 16 to Jason Taylor and John Brommer, October 12 at 7:29, 17 time of day. That's from you. 18 And then there is an email from Jason Taylor 19 to you and other recipients on October 12. Do you see 20 that? 21 A Yes. 22 Q Okay. And in the middle, is it fair to say 23 you're in the midst of negotiating a contract with 24 Michael Foods? 25 A Looks like.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

40 (Pages 154 to 157)

<p style="text-align: right;">154</p> <p>1 Q All right. And you are the only person from 2 Unilever in this correspondence, correct?</p> <p>3 A Correct.</p> <p>4 Q All right. Or Conopco, using the Unilever 5 email, correct?</p> <p>6 A Correct.</p> <p>7 Q You're not copying anybody else, any 8 successor on these negotiations?</p> <p>9 A Looks like.</p> <p>10 Q Right. So is it fair to infer you were the 11 person that negotiated the Conopco contract for egg 12 products after the expiration of the 2004 to 2006 13 contract?</p> <p>14 A That would have been me.</p> <p>15 Q It would have been you?</p> <p>16 A Starting point would have been me.</p> <p>17 Q All right. And so if I want to know the 18 answer to the question, you know, why did Conopco 19 decide on the pricing terms that it decided on in 20 those negotiations, you would be the person to ask, 21 correct?</p> <p>22 A In 2006 I would have been the person, yes.</p> <p>23 Q All right. So I ask you: Why in 2006 -- 24 let me -- withdrawn.</p> <p>25 In 2006, for the contracts for 2007 and</p>	<p style="text-align: right;">156</p> <p>1 CPCEGED00106168, marked as Daga Exhibit 14, as 2 of this date.)</p> <p>3 MR. GREENE: Daga Exhibit 14 is 4 CPCEGED00106162 through 168.</p> <p>5 BY MR. GREENE:</p> <p>6 Q And this is an email from yourself to Lisa 7 Toriello -- can you pronounce that for me?</p> <p>8 A Lisa Toriello.</p> <p>9 Q Toriello.</p> <p>10 A Uh-hum.</p> <p>11 Q It's an email from yourself to Lisa Toriello 12 dated Tuesday, September 12, 2006, correct?</p> <p>13 A Correct.</p> <p>14 Q And the email attaches a PowerPoint, 15 correct?</p> <p>16 A Correct.</p> <p>17 Q And the PowerPoint, which is attached, reads 18 Egg Price Outlook, September 2006, Ramesh Daga, and it 19 has your phone number and Unilever, correct?</p> <p>20 A Correct.</p> <p>21 Q And this is a PowerPoint you created?</p> <p>22 A Correct.</p> <p>23 Q And you created this at just about the time 24 that you were negotiating with Michael Foods for your 25 egg products contracts for the period past 2006,</p>
<p style="text-align: right;">155</p> <p>1 thereafter, did Conopco, was Conopco offered a 2 grain-based contract option?</p> <p>3 A I don't recall. But as per the agenda, they 4 may have.</p> <p>5 Q Right.</p> <p>6 A But I don't recall.</p> <p>7 Q Did you accept a grain-based contract 8 option?</p> <p>9 A I don't recall.</p> <p>10 Q You don't know?</p> <p>11 A I don't know what I did accept or not 12 really. You have to look in the record as to how we 13 bought from 2007 onward, similar to we have done for 14 2004 to '6, to confirm that how we bought for that 15 period.</p> <p>16 Q And you understand you're the corporate 17 representative for questions about the pricing method 18 that the company used in its contracts with egg 19 suppliers, correct?</p> <p>20 A Correct.</p> <p>21 Q But you don't know the answer as to how you 22 bought egg products after 2006, correct?</p> <p>23 A That's correct.</p> <p>24 MR. GREENE: Daga Exhibit 14. 25 (Email, Bates CPCEGED00106162 to</p>	<p style="text-align: right;">157</p> <p>1 correct?</p> <p>2 A It's coincidence because we made this quite 3 regularly.</p> <p>4 Q Right. But this particular one September 5 2006 is right in that period, correct?</p> <p>6 A Again, it's a coincidence. We make this 7 very regularly.</p> <p>8 Q Right. I'm not --</p> <p>9 A Every month.</p> <p>10 Q I'm not saying that it was specifically 11 created because of those contract negotiations, I'm 12 just pointing out, September 2006, it falls within the 13 period when you were negotiating with Michael Foods 14 about the next contract, correct?</p> <p>15 A That's correct.</p> <p>16 Q All right. And this is your -- you prepared 17 this, correct?</p> <p>18 A Looks like.</p> <p>19 Q It's Exhibit -- well, is there any question 20 in your mind?</p> <p>21 A No.</p> <p>22 Q Your email.</p> <p>23 A Right.</p> <p>24 Q Your name is on the PowerPoint.</p> <p>25 A My name is there, so.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

41 (Pages 158 to 161)

<p style="text-align: right;">158</p> <p>1 Q Yeah.</p> <p>2 MR. GREENE: I'm sorry, I lost my own</p> <p>3 document number, exhibit number. Are we on --</p> <p>4 MR. MURRAY: 14.</p> <p>5 BY MR. GREENE:</p> <p>6 Q In Exhibit 14 you were observing that shell</p> <p>7 eggs had continued to remain depressed for 26 months</p> <p>8 in a row, correct?</p> <p>9 A That's what it says.</p> <p>10 Q Yes. And you can look at as much of this as</p> <p>11 you like, but if you go to the page that reads or the</p> <p>12 Bates number ends 166. Do you see that?</p> <p>13 A Yes.</p> <p>14 Q You have a price outlook. And the second</p> <p>15 bullet reads: Based upon past history -- oh, I'm</p> <p>16 sorry.</p> <p>17 First bullet says: Current depressed prices</p> <p>18 can be sustained till Q1 2007. Do you see that?</p> <p>19 A I do.</p> <p>20 Q Okay. And then it says: Based upon past</p> <p>21 history, production is expected to be curtailed by</p> <p>22 early 2007. Do you see that?</p> <p>23 A I do.</p> <p>24 Q When this happens, egg prices can go up</p> <p>25 sharply. Did I read that right?</p>	<p style="text-align: right;">160</p> <p>1 deal with an expectation of rising prices?</p> <p>2 A Correct.</p> <p>3 Q Okay. And would that same rationale have</p> <p>4 suggested that grain-based pricing would have been a</p> <p>5 risk management strategy in 2006 going forward?</p> <p>6 A Yes, that's correct.</p> <p>7 Q Okay. So one way, as of the middle of 2006,</p> <p>8 one way for Conopco to manage its risk for egg product</p> <p>9 purchases going forward would have been to enter into</p> <p>10 another grain-based contract, correct?</p> <p>11 A One of the ways.</p> <p>12 Q Okay. But you don't know whether, in fact,</p> <p>13 they did that?</p> <p>14 A I don't recall. I don't remember because I</p> <p>15 was phasing out and...</p> <p>16 MR. GREENE: All right. Why don't we take a</p> <p>17 break.</p> <p>18 MR. MURRAY: All right.</p> <p>19 THE VIDEOGRAPHER: The time is 12:34 p.m.</p> <p>20 and we're going off the record.</p> <p>21 (Whereupon, off the record.)</p> <p>22 (Whereupon, lunch recess.)</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">159</p> <p>1 A Yes.</p> <p>2 Q And then next line reads: Historically, egg</p> <p>3 prices have rebounded strongly after staying depressed</p> <p>4 for extended period of time. Do you see that?</p> <p>5 A I do see that.</p> <p>6 Q It was your expectation that egg prices were</p> <p>7 due to rebound strongly?</p> <p>8 A That's what I felt back then.</p> <p>9 Q All right. And you were saying: For 2007</p> <p>10 egg prices expected to move towards historical normal</p> <p>11 by second half 2007. Do you see that?</p> <p>12 A I do.</p> <p>13 Q And then for 2008 egg prices are expected to</p> <p>14 go higher than historical normal. Do you see that?</p> <p>15 A I do.</p> <p>16 Q You were expecting an increase in the price</p> <p>17 of eggs, right?</p> <p>18 A That's what it says.</p> <p>19 Q Okay. And I think you testified before when</p> <p>20 you were looking in 2003, one of the motivations for</p> <p>21 entering into the grain-based contract in 2003 was</p> <p>22 that you were expecting prices to increase, right?</p> <p>23 A That was one of the motivation, that's</p> <p>24 correct.</p> <p>25 Q And that was a risk management strategy to</p>	<p style="text-align: right;">161</p> <p>1 AFTERNOON SESSION</p> <p>2 (Whereupon, resumed.)</p> <p>3 THE VIDEOGRAPHER: The time is 1:21 p.m.,</p> <p>4 and this is DVD No. 3 of the continued video</p> <p>5 deposition of Mr. Ramesh Daga.</p> <p>6 BY MR. GREENE:</p> <p>7 Q Good afternoon, Mr. Daga.</p> <p>8 A Good afternoon.</p> <p>9 Q You understand you're still under oath?</p> <p>10 A Yes.</p> <p>11 Q Did you discuss your testimony with anyone</p> <p>12 over lunch?</p> <p>13 A No.</p> <p>14 MR. GREENE: This is Daga Exhibit 15, I</p> <p>15 believe.</p> <p>16 By the way, is the individual on the phone?</p> <p>17 MR. MOODY: I am. Thank you.</p> <p>18 MR. GREENE: Okay. Welcome back.</p> <p>19 Daga Exhibit 15 is CPCEGED00066832</p> <p>20 through -- the staple is in an unfortunate</p> <p>21 place -- 838.</p> <p>22 (Supplier Segmentation PowerPoint, Bates</p> <p>23 CPCEGED00066832 to CPCEGED00066838, marked as</p> <p>24 Daga Exhibit 15, as of this date.)</p> <p>25</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

42 (Pages 162 to 165)

<p style="text-align: right;">162</p> <p>1 BY MR. GREENE:</p> <p>2 Q Mr. Daga, do you recognize Exhibit, Daga</p> <p>3 Exhibit 15?</p> <p>4 A I do.</p> <p>5 Q What is it?</p> <p>6 A It's a Supplier Segmentation PowerPoint.</p> <p>7 Q Okay. And what is a Supplier Segmentation</p> <p>8 PowerPoint?</p> <p>9 A Similar to how we segmented the eggs before</p> <p>10 put that in upper right-hand quadrant for eggs. We do</p> <p>11 the same for supplier. Where the supplier belongs</p> <p>12 using more or less the same logic in segmentation, so</p> <p>13 put that in, put them in the same 2-by-2 quadrant.</p> <p>14 Q So the other quadrant we looked at had to do</p> <p>15 with evaluating the product?</p> <p>16 A Correct.</p> <p>17 Q And this is evaluating the supplier?</p> <p>18 A Correct.</p> <p>19 Q And why would that be a different exercise?</p> <p>20 A It can be different because one is for</p> <p>21 product and one is for supplier. The name may not be</p> <p>22 exactly the same.</p> <p>23 Q Why would they be different?</p> <p>24 A Because, say, if your egg is your important</p> <p>25 material, you put them up in upper right-hand corner.</p>	<p style="text-align: right;">164</p> <p>1 that the supplier fits into our multiproduct,</p> <p>2 multi-category strategy. If the supplier only</p> <p>3 supplies the yolk, then that's a narrow scope. That's</p> <p>4 only to ice cream business. But if supplier supplies</p> <p>5 not only yolk but whole food, whole eggs, dry eggs,</p> <p>6 blending, mixing, then that fits into multi-category</p> <p>7 strategy.</p> <p>8 Q So is a supplier that provides the whole</p> <p>9 spectrum of egg products more valuable to Conopco than</p> <p>10 a supplier that merely can provide one particular</p> <p>11 niche?</p> <p>12 A Not necessarily.</p> <p>13 Q Well, why --</p> <p>14 A You need both types.</p> <p>15 Q What would be the value of being able to</p> <p>16 provide all the products?</p> <p>17 A Then you have volume. You have much larger</p> <p>18 relation with them, so that's where you form a longer</p> <p>19 term contract.</p> <p>20 Q Under Market Breadth, the last bullet says:</p> <p>21 Besides MF, there is only one other company with</p> <p>22 nationwide distribution coverage. MF there is Michael</p> <p>23 Foods?</p> <p>24 A Correct.</p> <p>25 Q And does this bullet refer to egg products?</p>
<p style="text-align: right;">163</p> <p>1 Then you match a supplier with that. The supplier may</p> <p>2 or may not be in the right-hand column, it may be put</p> <p>3 somewhere else, it depends upon the capability.</p> <p>4 Q Okay. Again, you're able, as with all these</p> <p>5 exhibits, to look at any part you want.</p> <p>6 The cover on this reads Supplier</p> <p>7 Segmentation, Michael Foods, Egg Products, January</p> <p>8 2006, Ramesh Daga, correct?</p> <p>9 A Correct.</p> <p>10 Q And at this point in January 2006 Michael</p> <p>11 Foods was your largest egg product supplier?</p> <p>12 A Correct.</p> <p>13 Q And I want to take a look at the page that,</p> <p>14 I guess it's page 5 of the PowerPoint.</p> <p>15 Scope Positioning. What does scope</p> <p>16 positioning mean?</p> <p>17 A How deep is Michael Foods in the scope of</p> <p>18 either geography or product they provide. Yeah. So</p> <p>19 are they located in just, say, one city, one small</p> <p>20 sector they cover or they cover a variety of sectors,</p> <p>21 variety of industries, so breadth and depth of Michael</p> <p>22 Foods.</p> <p>23 Q Okay. And why is breadth and depth of a</p> <p>24 supplier important to Conopco?</p> <p>25 A It's important because we want to make sure</p>	<p style="text-align: right;">165</p> <p>1 A Correct.</p> <p>2 Q Okay. So in this bullet you're saying</p> <p>3 there's only one other egg products company with</p> <p>4 nationwide distribution coverage?</p> <p>5 A Correct.</p> <p>6 Q What does nationwide distribution coverage</p> <p>7 mean?</p> <p>8 A It means they can reach and ship product to</p> <p>9 wherever we have factories, wherever we have our</p> <p>10 needs.</p> <p>11 Q And why is that valuable?</p> <p>12 A It's value in one-stop shopping really.</p> <p>13 Q And so if you need a product in multiple</p> <p>14 places throughout the country you can get the same</p> <p>15 product from one supplier, correct?</p> <p>16 A Same product from same supplier.</p> <p>17 Q Right. And that's valuable?</p> <p>18 A That's important consideration.</p> <p>19 Q Yes. And who was the other company you're</p> <p>20 referring to a nationwide distribution company?</p> <p>21 A I might have meant here Rose Acres, although</p> <p>22 I can't tell you for sure.</p> <p>23 Q And other than Michael Foods and perhaps</p> <p>24 Rose Acres, you were not aware of any other companies,</p> <p>25 egg product companies that had nationwide distribution</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

43 (Pages 166 to 169)

<p style="text-align: right;">166</p> <p>1 coverage?</p> <p>2 A Correct.</p> <p>3 Q If you could switch to page 7.</p> <p>4 A (Complies.)</p> <p>5 Q And there's a page that says Relationship</p> <p>6 Attractiveness. What are sort of the capabilities</p> <p>7 that made an egg product supplier attractive to</p> <p>8 Conopco?</p> <p>9 A So multi-location. Multiproduct offering.</p> <p>10 Many sites. And the financial depth.</p> <p>11 Q The what depth?</p> <p>12 A How strong are they financially.</p> <p>13 Q Why is that important?</p> <p>14 A It's important because it's important</p> <p>15 supplier to us we want to make sure that they are</p> <p>16 financially sound.</p> <p>17 Q Okay. You write here -- and this is</p> <p>18 Supplier Segmentation - Michael Foods -- Value of</p> <p>19 Supplier to Unilever. And you write: Large supplier</p> <p>20 with multi-manufacturing facilities. What did that</p> <p>21 mean?</p> <p>22 A Which one? Which one is that?</p> <p>23 Q I'm on top.</p> <p>24 A Okay.</p> <p>25 Q I'll start again. Supplier -- we're on page</p>	<p style="text-align: right;">168</p> <p>1 what does it mean for an egg products company to be</p> <p>2 customer service oriented?</p> <p>3 A So servicing our factories in time. Deliver</p> <p>4 product when they need/how much they need on time at a</p> <p>5 price which is fair. And takes care of our corporate</p> <p>6 agenda, whatever our corporate needs are, whether we</p> <p>7 need audit certificate, we need different types of</p> <p>8 certifications.</p> <p>9 (Whereupon, request to repeat.)</p> <p>10 THE WITNESS: Of our many corporate needs.</p> <p>11 Q Was there an answer that included the word</p> <p>12 certificate?</p> <p>13 A Audit. Audit certificate.</p> <p>14 Q Audit certificate.</p> <p>15 A Correct.</p> <p>16 Q Okay. What is an audit certificate?</p> <p>17 A We typically deploy a third-party quality</p> <p>18 audit company who they are reputable company who go</p> <p>19 and audit the supplier site make sure they meet all</p> <p>20 the rules and regulation and good manufacturing</p> <p>21 practice, especially for egg business it's very</p> <p>22 important.</p> <p>23 Q Why is it important in the egg business?</p> <p>24 A Because salmonella. The egg has tendency of</p> <p>25 very short shelf life, so it has a lesser tolerance of</p>
<p style="text-align: right;">167</p> <p>1 7.</p> <p>2 A Yeah.</p> <p>3 Q Supplier Segmentation - Michael Foods -</p> <p>4 Relationship Attractiveness, first bullet, Value of</p> <p>5 Supplier to Unilever. Do you see that?</p> <p>6 A Okay. Correct.</p> <p>7 Q Okay. And we're within, just for reference,</p> <p>8 Exhibit 15.</p> <p>9 A Correct.</p> <p>10 Q The first bullet: Large supplier with</p> <p>11 multi-manufacturing facilities. Do you see that?</p> <p>12 A Yes.</p> <p>13 Q What does that mean?</p> <p>14 A That's what I meant they have many sites and</p> <p>15 many locations.</p> <p>16 Q Okay. And that's valuable to Conopco?</p> <p>17 A That's valuable to us.</p> <p>18 Q And that's not the case with all egg</p> <p>19 products companies, is it?</p> <p>20 A Not all of them.</p> <p>21 Q Okay. The next bullet says: Extremely</p> <p>22 customer service oriented - from top to bottom. What</p> <p>23 did you mean by that?</p> <p>24 A They are good customer service.</p> <p>25 Q Okay. And what is that? In your business</p>	<p style="text-align: right;">169</p> <p>1 quality going bad versus other products.</p> <p>2 Q So quality becomes particularly important</p> <p>3 for an egg products manufacturer?</p> <p>4 A Absolutely.</p> <p>5 Q And how would Michael Foods quality have</p> <p>6 measured up in your mind?</p> <p>7 A That's very well. That's why they are</p> <p>8 supplier for long, long time.</p> <p>9 Q Because of their quality?</p> <p>10 A One of the reasons.</p> <p>11 Q One of the reasons was the quality that</p> <p>12 Michael Foods provided?</p> <p>13 A Correct.</p> <p>14 Q That was one of the reasons why they were</p> <p>15 supplier?</p> <p>16 A Correct.</p> <p>17 Q And in your mind is the quality you get from</p> <p>18 all egg -- all egg products companies the same?</p> <p>19 A I can't quantify the same more or less.</p> <p>20 It's not easy to quantify. The reason these companies</p> <p>21 are supplying because they meet our quality standard.</p> <p>22 Q Which is very important?</p> <p>23 A It's very important.</p> <p>24 Q Can you recall any examples where Michael</p> <p>25 Foods did something that caused you to conclude that</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

44 (Pages 170 to 173)

<p style="text-align: right;">170</p> <p>1 they were extremely customer service oriented from top 2 to bottom?</p> <p>3 A Delivering product to us, to our factory on 4 time. Servicing our plants on time.</p> <p>5 Q Anything else you can think of?</p> <p>6 A That's one of the important and major the 7 service part of the business.</p> <p>8 Q So you're talking about quality and 9 timeliness?</p> <p>10 A Timeliness.</p> <p>11 Q And Michael Foods was strong on both of 12 those?</p> <p>13 A Correct.</p> <p>14 Q Okay. The next bullet says Innovation 15 capability: new technology, retail and food service 16 capabilities. Let's take those one at a time.</p> <p>17 What was -- what is innovation capability?</p> <p>18 A Innovation as innovation that means 19 different technology to process eggs. Different type 20 of eggs. Yes, just here a couple of examples.</p> <p>21 Q What were examples that you can recall where 22 Michael Foods demonstrated innovation capability?</p> <p>23 A Processing eggs we are using different 24 technology which can be valuable to Unilever.</p> <p>25 Q Can you give me an example of a technology</p>	<p style="text-align: right;">172</p> <p>1 approached others.</p> <p>2 Q You weren't aware of any others?</p> <p>3 A I --</p> <p>4 MR. MURRAY: Objection. Asked --</p> <p>5 A We never approached.</p> <p>6 Q Uhm?</p> <p>7 A We never approached.</p> <p>8 Q Okay. What about new technology?</p> <p>9 A That's what enzyme new technology is.</p> <p>10 Q Retail and food service capabilities, what 11 was that?</p> <p>12 A So they are supplying us in retail side of 13 our business. They could also supply us on the food 14 service side of the business as well, if we wanted to.</p> <p>15 Q And that was valuable that capability?</p> <p>16 A Correct.</p> <p>17 Q When you say they're supplying on the retail 18 side of the business, what do you mean?</p> <p>19 A Hellmann's is considered retail side of it 20 where we sell to consumers. Food service is we sell 21 we are restaurant.</p> <p>22 Q What's an example of products that you sell 23 to restaurants using Michael Foods?</p> <p>24 A Mayonnaise pouch you see on the sandwich 25 store. Like the food service packet.</p>
<p style="text-align: right;">171</p> <p>1 that Michael Foods provided that was valuable to 2 Unilever?</p> <p>3 A For example, they had a case where they can 4 process eggs by using enzyme.</p> <p>5 Q Okay. And can you explain that? What does 6 it mean to process eggs using enzyme?</p> <p>7 A They use a processing egg. I'm not a 8 technical person, so I'm not the subject matter 9 expert. These are the quality-to-quality meetings 10 here, but by using enzyme that was valuable to 11 Unilever. We chose not to do that way for different 12 reasons, but the fact that they had that capability 13 that was important to us.</p> <p>14 Q Did you -- withdrawn.</p> <p>15 Anything else that you can think of where 16 they demonstrated innovation capability?</p> <p>17 A That's one of the examples I can think of 18 really right now, off my head right now I can't think 19 of anything.</p> <p>20 Q Other than the enzyme?</p> <p>21 A Correct.</p> <p>22 Q Did any other, to your knowledge, did any 23 other egg products company offer enzyme-modified egg 24 products?</p> <p>25 A To the best of my knowledge we never</p>	<p style="text-align: right;">173</p> <p>1 Q Leaving aside Michael Foods specifically.</p> <p>2 What are the most important factors in 3 selecting an egg product supplier from your 4 perspective?</p> <p>5 A The points I mentioned earlier; quality, 6 service, price, size, location.</p> <p>7 MR. GREENE: Exhibit 16. This is 8 transactional data, so I'll try to describe it.</p> <p>9 This is a printout for what appears to be 10 Unilever Owensboro purchases of SKU 83006690 from 11 2003 to 2008.</p> <p>12 The common factor on this is the material in 13 column one, two, three, four, five, six -- 14 there's a column that says Material, and that 15 should all be 83006690 throughout the exhibit.</p> <p>16 The first date is December 19, 2003, the 17 last date December 9, 2008.</p> <p>18 MR. MURRAY: Again, this is something you 19 culled out of the data that we produced?</p> <p>20 MR. GREENE: I don't think so, no. This 21 comes from the Bates ID CPCEGTD, which I think is 22 transactional data, 00000001 exported natively 23 from the Joint Document Repository.</p> <p>24 MR. MURRAY: And then you ran a different 25 query on that to create this document?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

45 (Pages 174 to 177)

<p style="text-align: right;">174</p> <p>1 MR. GREENE: Right. The query on this one 2 that produces this document is the material 3 number. 4 MR. MURRAY: Okay. 5 MR. GREENE: 83006690, and the date is 2003 6 to 2008. 7 MR. MURRAY: Okay. We have the same 8 reservation. 9 MR. GREENE: Understood. 10 (Transactional Data Spreadsheet, Bates 11 CPCEGTD00000001, marked as Daga Exhibit 16, as 12 of this date.) 13 MR. GREENE: What are we on, Exhibit 16? 14 THE COURT REPORTER: Yes. 15 BY MR. GREENE: 16 Q Mr. Daga, do you recognize this product? 17 A Yes. 18 Q Okay. First of all, these are all -- all of 19 these show deliveries to Owensboro, Kentucky, correct? 20 A Correct. 21 Q Okay. And you told me before that that's a 22 place where they produce what? 23 A Pasta sauce. 24 Q Pasta sauce. Okay. And under what trade 25 name?</p>	<p style="text-align: right;">176</p> <p>1 A This application. 2 Q This application? 3 A For this business. 4 Q Okay. So in this instance Michael Foods' 5 technical capability regarding enzyme modified egg 6 products that you testified before led you to 7 purchases of enzyme modified egg products? 8 A Correct. 9 Q What was the advantage of the enzyme 10 modified aspect of this egg product that you bought 11 for the Owensboro plant? 12 A I'm not a subject expert on the quality 13 side, so I do not know. But research people they 14 decided that this is a beneficial for pasta sauce 15 business. 16 Q Okay. The research people decided? 17 A Correct. 18 Q And to your recollection was anybody else 19 offering you a similar enzyme modified egg product? 20 A We did not go to anybody else. 21 Q As you sit here today, are you aware of 22 anybody who was able to sell enzyme modified egg 23 products prior to 2009? 24 A I don't know. 25 Q You mentioned research and development</p>
<p style="text-align: right;">175</p> <p>1 A Ragu. 2 Q Ragu. Okay. But Conopco is still the 3 buyer, correct? 4 A Correct. 5 Q All right. And you'll see that over a 6 period of time we've got five pages of transactions 7 for egg yolk -- for a material that's described as egg 8 yolk liquid enzyme modified. 9 A Correct. 10 Q Okay. Do you know what this product is? 11 A It's a yolk. 12 Q Okay. And how is it -- is this an example 13 of an enzyme modified egg product? 14 A Correct. 15 Q And you testified before about, when you're 16 talking about innovation and technical capability, is 17 this an example of the enzyme modified egg products 18 you were talking about? 19 A Correct. 20 Q Okay. And it appears, at least as to this 21 product, that you did, in fact, go forward and 22 purchase the enzyme modified egg products from Michael 23 Foods for this plant, correct? 24 A Correct. 25 Q Okay.</p>	<p style="text-align: right;">177</p> <p>1 people. Did -- did you work with research and 2 development people at Conopco regarding the purchase 3 of egg products? 4 A That same building, yes. 5 Q Okay. And how did you work? I mean, how 6 did you work with them? I mean, what was the nature 7 of your communications with them? 8 A They're my business partner, so we both 9 support each other, indeed working with them letting 10 them know what supply they should work, and they work 11 with the supplier to work a product. 12 Q Now, in your experience did Michael Foods 13 also have research and development people? 14 A Yes. 15 Q Okay. And were you involved in either 16 conversations or email correspondence where the 17 Conopco research and development people communicated 18 with the Michael Foods research and development 19 people? 20 A In some cases I may have. 21 Q Do you recognize -- do you know the names of 22 any other Michael Foods research and development 23 people? 24 A No. 25 Q Mr. Jonathan Merkle, does that name ring a</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

46 (Pages 178 to 181)

<p style="text-align: right;">178</p> <p>1 bell?</p> <p>2 A Correct.</p> <p>3 Q He's a Michael Foods research and</p> <p>4 development person?</p> <p>5 A Correct.</p> <p>6 Q Do you recall working with a Hershell Ball?</p> <p>7 A He was, correct.</p> <p>8 Q Michael Foods research and development</p> <p>9 person?</p> <p>10 A Correct.</p> <p>11 Q Okay. And in the projects that you were</p> <p>12 aware of, what were the Michael Foods research and</p> <p>13 development people asked to do by Conopco?</p> <p>14 A Develop a product.</p> <p>15 Q Develop a product. Work scientist to</p> <p>16 scientist on the product, would that be fair?</p> <p>17 A Quite possibly.</p> <p>18 Q Okay. Test products, was that one of the</p> <p>19 things they were required to do?</p> <p>20 A Quite possibly.</p> <p>21 Q Develop new specifications?</p> <p>22 A Quite possibly.</p> <p>23 Q In some instances develop customized</p> <p>24 products for Conopco?</p> <p>25 A Quite possibly.</p>	<p style="text-align: right;">180</p> <p>1 A Correct.</p> <p>2 Q And the only return they were getting on</p> <p>3 that is the price?</p> <p>4 A Correct.</p> <p>5 Q And you understood the price from their</p> <p>6 perspective would need to include all their costs</p> <p>7 including research and development, correct?</p> <p>8 A It's up to them how they put research and</p> <p>9 development costs in their pricing model.</p> <p>10 Q But you would assume one way or the other</p> <p>11 they're looking to recover the cost they're spending</p> <p>12 on your work, right?</p> <p>13 A That's a logical --</p> <p>14 MR. MURRAY: Object to the question. Calls</p> <p>15 for speculation. You can answer, if you know.</p> <p>16 A I don't know how they allocate the cost to.</p> <p>17 Q In any event, Conopco didn't pay them</p> <p>18 separately for those services?</p> <p>19 A Correct.</p> <p>20 Q Is Conopco a member of any industry groups</p> <p>21 like the Food Marketing Institute? Let me start with</p> <p>22 that one.</p> <p>23 Is Conopco a member of the Food Marketing</p> <p>24 Institute?</p> <p>25 A I don't know.</p>
<p style="text-align: right;">179</p> <p>1 Q All right. Some of the products that</p> <p>2 Conopco brought from Michael Foods were customized for</p> <p>3 Conopco, correct?</p> <p>4 A Correct.</p> <p>5 Q They weren't off-the-shelf products</p> <p>6 available anywhere else?</p> <p>7 A No.</p> <p>8 Q The only -- they were unique products for</p> <p>9 Conopco?</p> <p>10 A Some of them.</p> <p>11 Q Some of them were. When the Michael Foods</p> <p>12 research and development people would work on one of</p> <p>13 these projects, would Conopco pay them some kind of</p> <p>14 hourly fee for their time?</p> <p>15 A No.</p> <p>16 Q How would they be compensated for the</p> <p>17 services they were providing?</p> <p>18 A I don't know.</p> <p>19 Q You just paid -- the only thing you ever</p> <p>20 paid to Michael Foods was the price of the product?</p> <p>21 A Correct.</p> <p>22 Q So from your perspective, whatever research</p> <p>23 and development resources Michael Foods was offering,</p> <p>24 they were part of the service of providing you the</p> <p>25 product?</p>	<p style="text-align: right;">181</p> <p>1 Q Do you recognize the name? Do you know what</p> <p>2 the organization is?</p> <p>3 A No.</p> <p>4 Q Never heard of it?</p> <p>5 A No.</p> <p>6 Q Is Conopco a member of any other trade</p> <p>7 associations that include other food manufacturers?</p> <p>8 A So Unilever is a member of Grocery</p> <p>9 Manufacturers Association. It's called GMA.</p> <p>10 Q Okay.</p> <p>11 A So that goes under the name of Unilever.</p> <p>12 Q Is that Growers Manufacturers Association?</p> <p>13 A Association.</p> <p>14 Q And what is -- who are the members of the</p> <p>15 Grocers Manufacturers Association?</p> <p>16 A Fast-moving product company like ourself.</p> <p>17 Q Do you happen to know examples of other</p> <p>18 companies that would be members of?</p> <p>19 A I don't know the names. I don't participate</p> <p>20 in there, but companies who are in our peer group.</p> <p>21 Q Peer group. What is your peer group?</p> <p>22 A Fast-moving product company.</p> <p>23 Q So these would be -- if I'm understanding</p> <p>24 correctly -- if I go into a grocery store, the</p> <p>25 companies that make the products that I see on the</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

47 (Pages 182 to 185)

<p style="text-align: right;">182</p> <p>1 shelves, would that be a fair description of what 2 we're talking about?</p> <p>3 A Correct.</p> <p>4 Q You know, in this case some of the other 5 plaintiffs are Kraft, Kellogg, Nestle, General Mills, 6 would those be companies you'd consider in your peer 7 group?</p> <p>8 A They are in the peer group, yes.</p> <p>9 Q Do you know if they're a member of Grocers 10 Manufacturers Association?</p> <p>11 A I don't know.</p> <p>12 Q Any other groups that you can think of that 13 Conopco is a part of?</p> <p>14 A They may be, but I don't manage these 15 associations, so I don't.</p> <p>16 Q And did you have any personal involvement 17 with Grocers Manufacturers Association?</p> <p>18 A No.</p> <p>19 Q Did you have any involvement with Conopco's 20 representative to the Grocers Manufacturers 21 Association?</p> <p>22 A In our organization probably we deal with 23 many people -- 24 (Whereupon, request to repeat.) 25 A In our organization we deal with all kinds</p>	<p style="text-align: right;">184</p> <p>1 conversation?</p> <p>2 A Not for GMA. If I did, I talk to people who 3 are member of GMA, that happens in usual course of 4 business. It happens every week.</p> <p>5 Q But not about GMA activities? Withdrawn. 6 Do you talk to them about GMA activities?</p> <p>7 A Do I talk to? I don't recall having a 8 reason to talk, although I have independent knowledge 9 of GMAs, who are the members. You know, so I know 10 what GMA does.</p> <p>11 Q What does GMA do?</p> <p>12 A They're the association of grocery 13 manufacturers, people like ourselves, so.</p> <p>14 Q And I asked what do they do. I mean, what 15 is -- what are the topics they address?</p> <p>16 A Industry common issues. Could be 17 environment. Could be sustainability. Could be these 18 type of industry. Common issues.</p> <p>19 Q Did GMA address the issue of animal welfare?</p> <p>20 A I don't know.</p> <p>21 Q Let's talk about Conopco animal welfare. 22 And I want to, I want to sort of divide our discussion 23 into a pre-2006 period and 2006 going forward. 24 Prior to -- you were the egg buyer for 25 Conopco from 2002 to 2007?</p>
<p style="text-align: right;">183</p> <p>1 of people, so somebody in our organization I may have 2 dealt with who may be dealing with the GMA.</p> <p>3 Q I'm asking, I'm asking if you remember in 4 particular dealing with the Conopco's representative 5 to the GMA?</p> <p>6 A So you're asking the same question, you're 7 asking me have I dealt with the Conopco rep in GMA?</p> <p>8 Q Yes.</p> <p>9 A I may have.</p> <p>10 Q But you don't recall?</p> <p>11 A We talk with various people in our company, 12 so it's quite possible the person who I deal with in 13 marketing or business side of it may have been member 14 of GMA.</p> <p>15 Q Right.</p> <p>16 A Membership is at the company level, the 17 corporate level.</p> <p>18 Q Right. And you may not recall, and that's 19 fine, what I'm trying to find out is: Did you talk to 20 the company's representative to the Grocers 21 Manufacturers Association about what was going on in 22 the Grocers Manufacturers Association?</p> <p>23 A I have no reason to talk what happens in 24 GMA.</p> <p>25 Q All right. You don't remember having such a</p>	<p style="text-align: right;">185</p> <p>1 A Correct.</p> <p>2 Q During that period, did you become aware of 3 any initiatives or announcements within Conopco about 4 the subject of animal welfare?</p> <p>5 A There was talk about animal welfare 6 internally in our company.</p> <p>7 Q When did you first -- when do you first 8 recall the topic of animal welfare coming up in your 9 company?</p> <p>10 A I don't recall that.</p> <p>11 Q Was it at the outset, the earlier part of 12 your tenure as egg product buyer?</p> <p>13 A I don't recall.</p> <p>14 Q What do you remember about the company 15 discussion of animal welfare?</p> <p>16 A That there's such program for animal 17 welfare. Yeah, it's my PowerPoint to increasing the 18 cage size from whatever it was to higher cage numbers.</p> <p>19 Q Okay. That's the UEP, the United Egg 20 Producers Animal Welfare Program?</p> <p>21 A That's Animal Welfare Program.</p> <p>22 Q Right. Before we get there, and I'm going 23 to get there, I want to ask more generally about the 24 topic of animal welfare. 25 I assume Conopco buys products that involve</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

48 (Pages 186 to 189)

<p style="text-align: right;">186</p> <p>1 animals other than layer hens, right?</p> <p>2 A Right.</p> <p>3 Q Do you recall any discussion within the</p> <p>4 company about the company's principles or interest in</p> <p>5 animal welfare generally?</p> <p>6 A So we obviously have corporate agenda,</p> <p>7 corporate policy to treat animal/human being</p> <p>8 environment in a responsible way, so it's part of our</p> <p>9 overall corporate agenda.</p> <p>10 Q So your corporate agenda has included</p> <p>11 treating animals responsibly from all the way back to</p> <p>12 2000 when you started as egg product buyer?</p> <p>13 A I don't recall then. I can't tell you what</p> <p>14 specifically, but as a responsible citizen we are</p> <p>15 abiding by -- we abide by all corporate laws and</p> <p>16 regulations wherever we operate treating environment</p> <p>17 responsibly.</p> <p>18 Q Well, apart from complying with the law, do</p> <p>19 you recall any discussion with Conopco on the subject</p> <p>20 of animal welfare standards?</p> <p>21 A There have been talk about animal welfare</p> <p>22 standard, so that includes all animal whether it is</p> <p>23 eggs, chickens, cows, you know.</p> <p>24 Q Is there some policy somewhere about animal</p> <p>25 welfare standards in the company?</p>	<p style="text-align: right;">188</p> <p>1 hens, any corporate statement, announcement of</p> <p>2 principles relating to animal welfare that you recall</p> <p>3 being announced after you had already started as egg</p> <p>4 products buyer.</p> <p>5 A Ben & Jerry went to cage-free eggs. Was</p> <p>6 there a public announcement, I don't recall, there may</p> <p>7 have been one.</p> <p>8 Q Not layer hens. Apart from layer hens.</p> <p>9 A Okay.</p> <p>10 Q Do you recall anything else, any other</p> <p>11 company policies regarding animal welfare?</p> <p>12 A I don't remember, but I, I will not be</p> <p>13 keeping track of those.</p> <p>14 Q Okay. All right.</p> <p>15 MR. GREENE: Let's mark the protective order</p> <p>16 as Daga 18.</p> <p>17 (Protective Order marked as Daga Exhibit</p> <p>18 18, as of this date.)</p> <p>19 (Email, Bates MFI0364924, marked as Daga</p> <p>20 Exhibit 17, as of this date.)</p> <p>21 MR. GREENE: Mr. Daga, in some instances I'm</p> <p>22 going to be showing you documents that were not</p> <p>23 produced by Conopco. They're marked as either</p> <p>24 confidential or highly confidential under the</p> <p>25 protective order. I'd like you to look at the</p>
<p style="text-align: right;">187</p> <p>1 A May -- there may be, I'm not -- I don't know</p> <p>2 if we have animal welfare policy somewhere or not</p> <p>3 really. A long time we adopt industry policy rather</p> <p>4 than developing our own policy.</p> <p>5 Q Did anything -- do you recall anything at</p> <p>6 the company level changing regarding the company's</p> <p>7 policy on animal welfare generally after you started</p> <p>8 serving as egg products buyer in 2000?</p> <p>9 A Ben & Jerry's business we moved to cage-free</p> <p>10 eggs, and we still are. And so is Hellmann's, they're</p> <p>11 moving to cage-free eggs. So that fact itself tells</p> <p>12 you that we have transformed our policy from wherever</p> <p>13 we were to cage-free eggs.</p> <p>14 Q And in terms of in the company, any general</p> <p>15 company policy about animal welfare generally, do you</p> <p>16 recall anything changing in that regard after you</p> <p>17 started in 2000?</p> <p>18 A The cage-free eggs movement came after I</p> <p>19 left or just when I was leaving.</p> <p>20 Q Okay.</p> <p>21 A At that time the cage free was just about to</p> <p>22 come in.</p> <p>23 Q And I'm going to talk about the egg</p> <p>24 products. We'll get to those documents. I'm actually</p> <p>25 asking if there was anything beyond just the layer</p>	<p style="text-align: right;">189</p> <p>1 protective order, and if you're agreeable with</p> <p>2 the confidentiality provision, please sign</p> <p>3 Exhibit A at the end, and we'll make that signed</p> <p>4 version your Exhibit 18.</p> <p>5 THE WITNESS: I need to consult my counsel</p> <p>6 on this before I sign this.</p> <p>7 MR. GREENE: Let's take a break.</p> <p>8 THE VIDEOGRAPHER: The time is 1:55 p.m.</p> <p>9 We're off the record.</p> <p>10 (Whereupon, off the record.)</p> <p>11 (Whereupon, resumed.)</p> <p>12 THE VIDEOGRAPHER: The time is 2:01 p.m. and</p> <p>13 we're back on the record.</p> <p>14 BY MR. GREENE:</p> <p>15 Q Okay. Mr. Daga, I had showed you Daga</p> <p>16 Exhibit 18, which is the protective order in this</p> <p>17 case.</p> <p>18 A Okay.</p> <p>19 Q We're going to be showing you some documents</p> <p>20 that Conopco didn't produce that have your</p> <p>21 correspondence included with them. And because</p> <p>22 they're not Conopco documents, out of an abundance of</p> <p>23 caution, we've asked you to sign the acknowledgment</p> <p>24 and protective order. And looking at Exhibit 18, the</p> <p>25 protective order, you had a chance to review that,</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

49 (Pages 190 to 193)

<p style="text-align: right;">190</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q And you signed that protective order?</p> <p>4 A Correct.</p> <p>5 Q And agreed to the confidentiality</p> <p>6 provisions?</p> <p>7 A Correct.</p> <p>8 Q All right. Let's go back then to</p> <p>9 Exhibit 17.</p> <p>10 MR. GREENE: Kevin, did I give you 17?</p> <p>11 MR. MURRAY: Yes.</p> <p>12 Q And 17 is MFI0364924. Do you see that?</p> <p>13 A I do.</p> <p>14 Q Okay. And this is, first, it appears to be</p> <p>15 two emails. The one on the bottom Tom Boland to</p> <p>16 Ramesh Daga copying Debra Heintz and Earle Jarden,</p> <p>17 April 17, 2002. Do you see that?</p> <p>18 A Correct.</p> <p>19 Q Did you receive this email from Mr. Boland?</p> <p>20 A It looks like it came from Tom to me.</p> <p>21 Q Who is Mr. Boland?</p> <p>22 A He is at Ben & Jerry.</p> <p>23 Q And Ben & Jerry is one of the companies that</p> <p>24 you purchased egg products for, correct?</p> <p>25 A Correct.</p>	<p style="text-align: right;">192</p> <p>1 A It may have.</p> <p>2 Q May have?</p> <p>3 A May have.</p> <p>4 Q Were you not made aware of differences</p> <p>5 between the product preferences of Ben & Jerry's and</p> <p>6 Conopco's?</p> <p>7 A In terms of product they both bought yolk.</p> <p>8 Ben & Jerry bought yolk. Conopco bought whole eggs</p> <p>9 and yolk and dry powder and egg white.</p> <p>10 Q My question is: Even as to the same</p> <p>11 product, even if it's yolk, Ben & Jerry's would buy</p> <p>12 yolk, I assume Conopco would buy some yolk, too?</p> <p>13 A Correct.</p> <p>14 Q As to that yolk purchase, did Ben & Jerry's</p> <p>15 have different criteria for the selection of suppliers</p> <p>16 than the rest of Conopco?</p> <p>17 A As far as product is concerned, it is yolk</p> <p>18 product. Egg yolk is egg yolk.</p> <p>19 Q What about the selection of the supplier?</p> <p>20 A We choose in purchasing what supplier we</p> <p>21 should work with.</p> <p>22 Q And so in your experience there's never been</p> <p>23 any difference between the preferences expressed by</p> <p>24 Ben & Jerry's management versus Conopco management?</p> <p>25 A Ben & Jerry, they have their own philosophy,</p>
<p style="text-align: right;">191</p> <p>1 Q Now, can you explain the relationship</p> <p>2 between Ben & Jerry's and the rest of Conopco?</p> <p>3 A Ben & Jerry's sister company of Conopco.</p> <p>4 Q So do they make some of their own decisions</p> <p>5 regarding product purchasing?</p> <p>6 A Not really.</p> <p>7 Q No?</p> <p>8 A No.</p> <p>9 Q So they buy the same products as Conopco</p> <p>10 does?</p> <p>11 A They don't buy a product. We buy on their</p> <p>12 behalf.</p> <p>13 Q I see. Okay. Who makes the decision as to</p> <p>14 what products will be bought for Ben & Jerry's?</p> <p>15 A So they tell us, they have a specification,</p> <p>16 they tell us what to buy. We decide who to buy.</p> <p>17 Q And Ben & Jerry's management may make</p> <p>18 different decisions about what it wants to buy than</p> <p>19 Conopco management, correct?</p> <p>20 A Different specification.</p> <p>21 Q Right.</p> <p>22 A Different business.</p> <p>23 Q Right. In your experience, did Ben &</p> <p>24 Jerry's have different criteria for the egg products</p> <p>25 that it purchased than the rest of Conopco?</p>	<p style="text-align: right;">193</p> <p>1 own policy. They have more social mission.</p> <p>2 Q Okay. Can you explain that, the social</p> <p>3 mission?</p> <p>4 A So Ben & Jerry operate on, for example, more</p> <p>5 on that they are the first one who move to cage-free</p> <p>6 eggs, non-genetically modified product. So that's</p> <p>7 their social mission they operate.</p> <p>8 Q And even before that would you describe them</p> <p>9 as trying to distinguish themselves as more socially</p> <p>10 conscious?</p> <p>11 A Unilever bought Ben & Jerry somewhere in</p> <p>12 early 2000, and before that I'm not aware of what was</p> <p>13 their agenda.</p> <p>14 Q All right. So Mr. Boland sends you this</p> <p>15 email. And do you know who Debra Heintz is?</p> <p>16 A Debra Heintz probably was at Ben & Jerry.</p> <p>17 Q But you don't recall?</p> <p>18 A I don't recall now, but I believe it does.</p> <p>19 Q Earle Jarden?</p> <p>20 A He's in procurement.</p> <p>21 Q At where?</p> <p>22 A In purchasing of Conopco.</p> <p>23 Q Conopco. Okay. And here it says April of</p> <p>24 2002. It says: Ramesh: As a result of the most</p> <p>25 recent information about treatment of chickens, Ben &</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

50 (Pages 194 to 197)

<p style="text-align: right;">194</p> <p>1 Jerry's would like to understand if Papetti's is 2 complying with the McDonald's directives on the 3 appropriate treatment of chickens. 4 Please provide your feedback so we can 5 understand if Ben & Jerry's egg products are covered 6 by the McDonald's standards. In addition, NPR did a 7 discussion yesterday on the treatment of chickens. 8 Do you recall what Mr. Boland was talking 9 about? 10 A The email says, so that's what I see there, 11 but I don't recall. 12 Q All right. Well, let's take it. Let's 13 break it down. 14 Do you know who -- what the McDonald's 15 directive on the appropriate treatment of chickens 16 was? 17 A I don't know what appropriate treatment was, 18 I assume it has something to do with the animal care. 19 Q Did you become aware in early -- around 2002 20 of McDonald's making any kind of announcement relating 21 to the treatment of layers? 22 A I don't recall. 23 Q You don't have any recollection of that? 24 A No. 25 Q And the reference here to Papetti's, do you</p>	<p style="text-align: right;">196</p> <p>1 CPCEGED00071680, marked as Daga Exhibit 19, as 2 of this date.) 3 MR. GREENE: Daga Exhibit 19 is 4 CPCEGED00071679 to 680. 5 BY MR. GREENE: 6 Q And you'll see that Exhibit 17 we just 7 looked at was dated, your email to Mr. Brommer and 8 Mr. Catherman was dated April 17, 2002. 9 A Okay. 10 Q This is April 19, 2002, two days later. Did 11 you receive this email from Mr. Catherman? 12 A Looks like it came from Catherman to myself. 13 Q Right. And he writes -- you can read any 14 portion of it. It says: Our current supply to Ben & 15 Jerry's does not meet the McDonald's standard as 16 request in your email. 17 We have approached this issue on a 18 customer-by-customer basis meeting their inquiries and 19 requirements. Do you see that? 20 A I do. 21 Q Does this refresh your recollection on -- on 22 the inquiry regarding whether -- withdrawn. 23 Did you understand based on this email that 24 there was a McDonald's standard relating to animal 25 welfare?</p>
<p style="text-align: right;">195</p> <p>1 know what that's a reference to? 2 A Correct. 3 Q What is Papetti's? 4 A Division of Michael Food. 5 Q Division of Michael Foods. Okay. 6 And so you took this email and you forwarded 7 it to John Brommer and Toby Catherman, correct? 8 A Correct. 9 Q And asked for your comments on following 10 please? 11 A Correct. 12 Q Mr. Brommer and Mr. Catherman worked for 13 Michael Foods? 14 A Correct. 15 Q Okay. Why did you do that? 16 A They are my sales contact at Michael's 17 Foods. 18 Q Why did you forward this message to them? 19 A Because they are the supplier to Ben & 20 Jerry. 21 Q So you wanted their response or reaction on 22 this animal welfare correspondence, correct? 23 A Correct. 24 MR. GREENE: 19. 25 (Email, Bates CPCEGED00071679 to</p>	<p style="text-align: right;">197</p> <p>1 A As per the email, I see that it is standard. 2 Q Right. Did you have -- did you have some 3 understanding when you received the email what was the 4 McDonald's standard? 5 A No. 6 Q You didn't understand at the time? 7 A I don't recall that I did or did not really. 8 Q Well, did you follow-up and ask, gee, I 9 don't know what the McDonald's standard is? 10 A I may have. 11 Q In any event, Michael Foods is telling you 12 that as a general matter they were not in compliance 13 with the McDonald's standard, they approached the 14 issue on a customer-by-customer basis, correct? 15 A That's what the email says. 16 Q Okay. 17 MR. GREENE: Daga Exhibit 20. And this is 18 CPCEGED0085826. 19 (Email, Bates CPCEGED00085826, marked as 20 Daga Exhibit 20, as of this date.) 21 BY MR. GREENE: 22 Q The bottom e-mail I think is the one we've 23 seen before, the April 17, 2002, inquiry from 24 Mr. Boland, correct? 25 A Correct.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

51 (Pages 198 to 201)

<p style="text-align: right;">198</p> <p>1 Q All right. And now you're writing back to</p> <p>2 Mr. Boland copying Debra Heintz and Rich Connor,</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q Okay. And now you're copying Mr. Connor,</p> <p>6 and he's your supervisor at this point?</p> <p>7 A He was, yeah.</p> <p>8 Q He was not on the original correspondence to</p> <p>9 you?</p> <p>10 A Correct.</p> <p>11 Q But you're copying him?</p> <p>12 A Correct.</p> <p>13 Q And you sent this email, correct?</p> <p>14 A It looks like it came from me.</p> <p>15 Q On or around April 29, 2002?</p> <p>16 A Correct.</p> <p>17 Q It says: Tom, I further followed up on this</p> <p>18 matter with Michael's Foods and understand that while</p> <p>19 following McDonald's policy is possible in theory, it</p> <p>20 is extremely expensive. Roughly it will cost anywhere</p> <p>21 from 25 to 30 cents per pound more. This translates</p> <p>22 into 875,000 to, I believe, 1,050,000 additional</p> <p>23 yearly expense to B&J. Did I read that correctly?</p> <p>24 A Correct.</p> <p>25 Q Does that refresh your recollection on this</p>	<p style="text-align: right;">200</p> <p>1 A Good Humor Breyers.</p> <p>2 Q Okay. What is Good Humor Breyers?</p> <p>3 A It's our ice cream division.</p> <p>4 Q It says: Nobody from UBFNA and GHB have</p> <p>5 approached me on this matter as yet and it is a</p> <p>6 nonissue at this time. What did you mean when you</p> <p>7 said it's a nonissue at this time?</p> <p>8 A This time what I meant to say is that only</p> <p>9 Ben & Jerry is making this inquiry. People from</p> <p>10 Hellmann's, pasta sauce, pasta, or Breyer ice cream</p> <p>11 companies, they are not approaching me on this issue,</p> <p>12 McDonald's standard.</p> <p>13 Q And that's why you describe it as a</p> <p>14 nonissue?</p> <p>15 A Correct.</p> <p>16 Q Okay. And you did not direct Michael Foods</p> <p>17 to produce eggs in accordance with the McDonald's</p> <p>18 standard, correct?</p> <p>19 A I don't recall that I did or did not.</p> <p>20 Q You don't have any recollection of making</p> <p>21 that instruction, do you?</p> <p>22 A I don't have -- I don't recall I gave them.</p> <p>23 It has to be in the purchasing record.</p> <p>24 Q Well, do you have any recollection of</p> <p>25 authorizing these kind of additional expenses for</p>
<p style="text-align: right;">199</p> <p>1 exchange?</p> <p>2 A No.</p> <p>3 Q The email continues: They need to dedicate</p> <p>4 enough chickens to meet your requirements and B&J's</p> <p>5 responsible -- will be responsible for a hundred</p> <p>6 percent of the production of those chickens.</p> <p>7 Michael Foods informed you that in order to</p> <p>8 comply with McDonald's standard it would be expensive,</p> <p>9 correct?</p> <p>10 A That's what his email said.</p> <p>11 Q Right. And you were communicating that to</p> <p>12 Ben & Jerry's?</p> <p>13 A Correct.</p> <p>14 Q Telling them, this is, if you really want to</p> <p>15 do this, it's going to cost a lot of money?</p> <p>16 A Correct.</p> <p>17 Q And at that time in 2002 did Ben & Jerry's</p> <p>18 make the decision to pay the extra money and go on</p> <p>19 McDonald's standard?</p> <p>20 A I don't think so, but need to be verified.</p> <p>21 Q All right. You write at the end of the</p> <p>22 email: Nobody from UBFNA and GHB. Can we just stop</p> <p>23 for a moment there. UBFNA, what is that?</p> <p>24 A Unilever Best Food North America.</p> <p>25 Q And GHB?</p>	<p style="text-align: right;">201</p> <p>1 purchases?</p> <p>2 A I don't recall.</p> <p>3 Q Okay. Do you have any recollection of any</p> <p>4 discussion of layer hen animal -- layer hen animal</p> <p>5 welfare issues at Conopco between this correspondence</p> <p>6 in 2002 and 2006?</p> <p>7 A It was a topic which was discussed many</p> <p>8 times internally, so -- so yes, there were discussion</p> <p>9 about animal welfare.</p> <p>10 Q Were you aware during that period that there</p> <p>11 was a program called the UEP Certified Program?</p> <p>12 A I may have been aware later on.</p> <p>13 Q All right. I think we looked at, some of</p> <p>14 the exhibits we looked at today were 2002 exhibits</p> <p>15 where you actually described the cage space.</p> <p>16 A Correct.</p> <p>17 Q Do you recall that?</p> <p>18 A Cage space.</p> <p>19 Q So you were aware of the program in 2002?</p> <p>20 A Of the cage requirement.</p> <p>21 Q And you understood that meant more cage</p> <p>22 space per hen?</p> <p>23 A Correct.</p> <p>24 Q And you understood Michael Foods was not a</p> <p>25 part of that program, correct?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

52 (Pages 202 to 205)

<p style="text-align: right;">202</p> <p>1 A We never asked them to be part of the 2 program. 3 Q At that time? 4 A At that time. 5 Q Right. 6 MR. GREENE: Exhibit 21? 7 THE COURT REPORTER: Yes. 8 (Email Exchange, Bates CPCEGED00086132 to 9 CPCEGED00086134, marked as Daga Exhibit 21, as 10 of this date.) 11 BY MR. GREENE: 12 Q Take a look at Exhibit 21. 13 A Okay. 14 MR. GREENE: This is, for the record, 15 CPCEGED00086132 through 134. 16 Q Now, this appears -- this is a -- this is an 17 email string from January of 2006, correct? 18 A Looks like. 19 Q Right. The first email chronologically is 20 one from Yola Carlough to Paul Shapiro dated January 21 10, 2006, at 3 p.m. Do you see that? 22 A I do. 23 Q Okay. Do you know who Yola Carlough is? 24 A No, I don't. 25 Q You met -- ever met Yola Carlough?</p>	<p style="text-align: right;">204</p> <p>1 support group. 2 Q And he's sending this to Steve Vermeu -- 3 Vermeulen? 4 A Uh-hum. 5 Q And who is Mr. Vermeulen? 6 A He works for ice cream business. He's a 7 director in ice cream business. 8 Q For Ben & Jerry's or Conopco? 9 A For ice cream business. 10 Q Okay. But we talked about Ben & Jerry's and 11 Conopco. Is he -- do his responsibilities cover both? 12 A Correct. 13 Q Okay. So he's not specifically Ben & 14 Jerry's? 15 A Correct. 16 Q But Mr. Scheidt is Ben & Jerry's? 17 A Correct. 18 Q All right. And this is copied to you? 19 A Uh-hum. 20 Q And it says: Steve, Per the note below, we 21 have a potential issue on the egg yolks that you need 22 to be aware of. We are being pressured by the 23 National Humane Society to change our eggs to 24 cage-free birds. I've been speaking to Ramesh about 25 this and so far, we have no magic bullet. According</p>
<p style="text-align: right;">203</p> <p>1 A No. 2 Q All right. And then there is in the middle 3 of that an email from Paul Shapiro to Yola Carlough. 4 Do you see that? 5 A I do. 6 Q And Mr. Shapiro's signature block indicates 7 that he's the manager of the Factory Farming Campaign 8 for the Humane Society of the United States, correct? 9 A That's what it says. 10 Q Yes, that's what the block says. Okay. 11 And, then, you're not on either of those 12 first two emails? 13 A That's correct. 14 Q Now, the string is forwarded to you by 15 Daniel Scheidt, correct? Is that the right way to 16 pronounce the name? 17 A Looks like. 18 Q Do you know Mr. Daniel Scheidt? 19 A I do. 20 Q Am I pronouncing it correctly? 21 A Correct. 22 Q Okay. Who is Daniel Scheidt? 23 A He works at Ben & Jerry. 24 Q Do you know what he does there? 25 A He's part of purchasing group, purchasing</p>	<p style="text-align: right;">205</p> <p>1 to the Humane Society, our current vendor is one of 2 the worst regarding animal welfare. Do you see that? 3 A I do. 4 Q Okay. Do you recall in the beginning of 5 2006 that Conopco and Ben & Jerry's started to receive 6 pressure from the Humane Society of the United States 7 regarding the treatment of layer hens? 8 A My government relation people manage all 9 those things. I wasn't -- my government relation 10 people they manage external affairs, I did not. 11 Q Right. But you're getting a copy of this 12 email? 13 A I'm getting copy of email forwarded to me. 14 Q Right. So you're -- you understand the 15 email says quite, quite clearly, "we are being 16 pressured by the national Humane Society." 17 A Uh-hum. 18 Q So you became aware that Conopco and Ben & 19 Jerry's were starting to be pressured by the Humane 20 Society? 21 A That's what the email says. 22 Q Right. And you received it at the time? 23 A I received the email internally. 24 Q Right. So you became aware of the pressure? 25 A I became aware of pressure.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

53 (Pages 206 to 209)

<p style="text-align: right;">206</p> <p>1 Q Okay. And it looks like you said, "I've 2 been speaking to Ramesh about this." 3 A Correct. 4 Q So you were aware -- you had had some 5 discussions with Mr. Scheidt about this, correct? 6 A Quite possible. 7 Q All right. And one of the issues that the 8 Humane Society was raising to Ben & Jerry's and 9 Conopco concerned Michael Foods, correct? 10 A That's what the email says. 11 Q Is that -- is that your recollection? 12 A That's correct. 13 Q When the -- when the email from Daniel 14 Scheidt says "our current vendor is one of the worst 15 regarding animal welfare," did you have some 16 understanding what he meant by "our current vendor"? 17 A In terms of animal care, that's what they 18 meant. In terms of their record -- 19 Q Right. 20 A -- of animal care. 21 Q Right. Did you know who he's referring -- 22 did you have an understanding of who Mr. Scheidt was 23 referring to when he said "our current vendor"? 24 A Michael's Food. 25 Q Michael Foods.</p>	<p style="text-align: right;">208</p> <p>1 you want. 2 So Ben & Jerry's is now communicating to you 3 in February of 2006 they want their eggs produced in 4 accordance with the UEP standard, correct? 5 A UEP standard, correct. 6 Q Yeah. They want -- they want the eggs that 7 they buy to be produced in accordance with the UEP 8 standard, right? 9 A That's what he says. 10 Q And that would be a change, from an egg 11 buying standpoint, that would be a change in the -- 12 from the -- from the egg products that you had been 13 purchasing, correct? 14 A Not for product, certification. It doesn't 15 change the product. 16 Q It doesn't change the quality or the 17 function? 18 A Correct. 19 Q But you understood up until this point 20 Michael Foods was not a UEP Certified vendor? 21 A That's what it says, yes. 22 Q So this would require a change in order to 23 get supplied with UEP Certified eggs? 24 A Correct. 25 Q Either you would have to, Michael Foods</p>
<p style="text-align: right;">207</p> <p>1 A It says clearly here. 2 Q Right. So you at this point understand the 3 Humane Society is raising an issue about Michael 4 Foods' treatment of layer hens? 5 A Correct. 6 MR. GREENE: 22? 7 THE COURT REPORTER: Yes. 8 MR. GREENE: Daga Exhibit 22, 9 CPCEGED00086142. 10 (Email, Bates CPCEGED00086142, marked as 11 Daga Exhibit 22, as of this date.) 12 BY MR. GREENE: 13 Q This is an email you received from Daniel 14 Scheidt February 6, 2006; is that correct? 15 A That's what it says. 16 Q Any reason to doubt that? 17 A No. 18 Q Okay. And Mr. Scheidt reports: In speaking 19 with folks here, we have decided not to make cage-free 20 eggs an issue for B&J for 2006. However, we would 21 like to get the UEP standard (at least) in 2007. Can 22 you speak with Michael Foods about whether they have 23 any interest in this? Do you see that? 24 A I do. 25 Q It goes on, you can read whatever portion</p>	<p style="text-align: right;">209</p> <p>1 would have to become certified? 2 A Correct. 3 Q Or you'd have to go to another supplier? 4 A Correct. 5 Q Which would require a change? 6 A Correct. 7 MR. GREENE: Exhibit 23? 8 THE COURT REPORTER: Yes. 9 (Email Exchange, Bates CPCEGED00083571 to 10 CPCEGED00083572, marked as Daga Exhibit 23, as 11 of this date.) 12 MR. GREENE: Exhibit 23, CPCEGED00083571. 13 To -- I'm sorry -- to 72. It's a two-page 14 document. 15 BY MR. GREENE: 16 Q Now, the previous discussion about the 17 Humane Society concerned Ben & Jerry's, correct? 18 A Correct. 19 Q Okay. Now we're in April 3rd, 2006, and 20 this is an email you received from Tom Langan on April 21 3rd, 2006, correct? 22 A Correct. 23 Q Looking at the bottom. And it says Ramesh 24 and Sharyn. By the way, who is Sharyn Kolstad? 25 A I don't know.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

54 (Pages 210 to 213)

<p style="text-align: right;">210</p> <p>1 Q You don't recall. The subject line here is 2 Confidential: Humane Society - Hellmann's. 3 Paul Shapiro at the Humane Society called me 4 Friday afternoon to request a dialogue with Unilever 5 regarding sourcing cage-free eggs for Hellmann's. I 6 don't know how he got my name and number but 7 nonetheless he will be sending me information on the 8 Humane Society's program on hens. 9 So at this point now in April you are 10 starting to hear about pressure from the Humane 11 Society not only related to Ben & Jerry's but now 12 related to Hellmann's, correct? 13 A Correct. 14 Q Okay. And Langan asks you: Do you have any 15 open time period next week (week of April 10) for a 16 conference call to discuss developing and assessing a 17 corporate position on egg supply? Do you see that? 18 A I do. 19 Q Okay. So this was starting to become an 20 issue that was getting some significant attention at 21 Conopco, correct? 22 A Looks like. 23 Q Yeah. 24 (Email Exchange, Bates MFI0109300 to 25 MFI0109301, marked as Daga Exhibit 24, as of</p>	<p style="text-align: right;">212</p> <p>1 A Correct. 2 Q Okay. And you write to Brommer, to John 3 Brommer: John, Per following, we are now being 4 pressurized to be under compliance with UEP guideline. 5 This is not going to go away and it is best that MF 6 have some plans to be under compliance with UEP 7 guideline. Ramesh. Do you see that? 8 A I do. 9 Q And did you write that to Mr. Brommer? 10 A Looks like I did. 11 Q And what did you mean by that? 12 A What I meant here that they need to be under 13 UEP compliance guideline. 14 Q Right. As the egg buyer for Conopco, you 15 wanted Michael Foods to comply with the UEP Certified 16 Program, correct? 17 A I wanted them to take a look at it, how can 18 they become compliant. 19 Q How can they become compliant. And this was 20 coming -- you initiated the subject with them, 21 correct? 22 A Correct. 23 Q They didn't come to you and say: We're 24 thinking about joining the UEP Certified Program? 25 A They may have on different communication.</p>
<p style="text-align: right;">211</p> <p>1 this date.) 2 MR. GREENE: Exhibit 24? 3 THE COURT REPORTER: Yes. 4 MR. GREENE: Exhibit 24 is a document with 5 two Bates numbers. I'm going to read the second 6 of them into the record. It's MFI0109300 to 301. 7 BY MR. GREENE: 8 Q And you'll see that this is a -- this is a 9 Michael Foods produced document. We may have missed 10 it, but I could not find the Conopco version of this. 11 But you see this is, the bottom email is the 12 document, is the email we've already looked at, 13 correct? 14 A Correct. 15 Q From Mr. Langan to you and Sharyn Kolstad? 16 A Correct. 17 Q And then you forward that email to John 18 Brommer at Michael Foods, correct? 19 A Looks like. 20 Q Right. And by forwarding that means you 21 forward it so that he can see the underlying email, 22 correct? 23 A Correct. 24 Q Because you wanted him to see Langan's email 25 about Hellmann's, correct?</p>	<p style="text-align: right;">213</p> <p>1 Q Right. 2 A I don't recall. 3 Q But in this instance you're going to them 4 and saying, as the buyer, it's best that Michael Foods 5 have some plans to be under compliance with UEP? 6 A That's correct. 7 Q Okay. And you wanted them to be in 8 compliance with the UEP program so you could continue 9 to use them as a supplier, correct? 10 A I wanted them to explore the possibility. 11 I'm not directing them that they have to be. 12 Q Okay. Well, you didn't use the word explore 13 in the email, right? What you said is, it's not going 14 to go away. 15 A Correct. 16 Q And it says: It's best that Michael Foods 17 have some plans to be under compliance with the UEP 18 guideline, correct? 19 A Correct. 20 Q Okay. 21 MR. GREENE: Exhibit 25. 22 (Email, Bates CPCEGED00083640, marked as 23 Daga Exhibit 25, as of this date.) 24 BY MR. GREENE: 25 Q And this is now -- your email to</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

55 (Pages 214 to 217)

<p style="text-align: right;">214</p> <p>1 Mr. Brommer, Exhibit 24, was April 4, 2006, and now 2 we're in April 24, 2006, and you're writing to Jason 3 Taylor. And we've established before Mr. Taylor is 4 with Michael Foods, correct?</p> <p>5 A Correct.</p> <p>6 Q Okay.</p> <p>7 MR. GREENE: And, by the way, Exhibit 25, 8 I'm not sure I read into the record, is 9 CPCEGED00083640.</p> <p>10 Q It's an email from you to Mr. Taylor, April 11 24, 2006.</p> <p>12 A Okay.</p> <p>13 Q Right? And you say: Per our conversation 14 last week, I'd like to confirm the following: 15 Egg products delivered at Ben & Jerry's 16 location in Vermont should be UEP Certified products 17 effective 10/1/06. Do you see that?</p> <p>18 A I do.</p> <p>19 Q So you're now telling them, this is a change 20 in your ordering instructions, correct?</p> <p>21 A Correct.</p> <p>22 Q Up until this point you had not insisted on 23 UEP Certified product?</p> <p>24 A Correct.</p> <p>25 Q And now you are, in April of 2006, Ben &</p>	<p style="text-align: right;">216</p> <p>1 Q Did you understand that at that time that 2 Michael Foods would be able to deliver to you UEP 3 Certified products without joining the program?</p> <p>4 A They can buy eggs from marketplace, UEP 5 Certified eggs. Michael Foods do not grow a farm all 6 their eggs themselves.</p> <p>7 Q Was it your -- did anyone at Michael Foods 8 tell you that they were permitted to sell as UEP 9 Certified eggs that they bought from other producers?</p> <p>10 A They had a license.</p> <p>11 Q In April of 2006? Did someone tell you that 12 Michael Foods had a license in April of 2006?</p> <p>13 A I don't know when, but Michael Foods they 14 could -- they could provide us UEP Certified eggs.</p> <p>15 Q After they joined the UEP Certified program, 16 correct?</p> <p>17 A They could do it before also, I think.</p> <p>18 Q Is that right? Who at Michael Foods told 19 you they were able to deliver you UEP Certified eggs 20 before they joined the program?</p> <p>21 A So they buy 70 percent of the eggs from 22 marketplace.</p> <p>23 Q Correct.</p> <p>24 A Only farm 30 percent.</p> <p>25 Q Yes.</p>
<p style="text-align: right;">215</p> <p>1 Jerry's is insisting that Michael Foods deliver UEP 2 Certified products for Ben & Jerry's, correct?</p> <p>3 A Correct.</p> <p>4 Q And in number 2 you write: It is our 5 intention to switch to UEP Certified products for rest 6 of our locations by Quarter 1 2007. Right? So now 7 you're also communicating an intention that goes 8 beyond Ben & Jerry's, right?</p> <p>9 A Looks like.</p> <p>10 Q This would apply to all the volume for 11 Hellmann's, for Ragu, for all the other products, 12 correct?</p> <p>13 A Correct.</p> <p>14 Q And you're telling them, it's your intention 15 to switch to UEP Certified products first quarter 16 2007?</p> <p>17 A Correct.</p> <p>18 Q And you understood at this point Michael 19 Foods was not a UEP Certified company, right?</p> <p>20 A Correct.</p> <p>21 Q Right. So you understood in order for 22 Michael Foods to be able to comply with your request 23 for UEP Certified products, Michael Foods would need 24 to join the UEP Certified program, correct?</p> <p>25 A Not necessarily.</p>	<p style="text-align: right;">217</p> <p>1 A So they could sell from marketplace UEP 2 Certified eggs.</p> <p>3 Q I'm asking you: Before Michael Foods joined 4 the UEP Certified Program, would they be able to sell 5 the products as UEP Certified products?</p> <p>6 A Again I go back. They buy 70 percent of the 7 eggs from marketplace. Those 70 percent of eggs could 8 be UEP Certified.</p> <p>9 Q Yeah, but -- well, withdrawn.</p> <p>10 I want to make a distinction between two 11 things.</p> <p>12 I understand that what you're saying is, 13 that Michael Foods could supply you, even as a 14 noncertified member, Michael Foods could go out and 15 buy UEP Certified eggs.</p> <p>16 A Correct.</p> <p>17 Q Use those UEP Certified eggs to create egg 18 products, and then deliver you those egg products, 19 correct?</p> <p>20 A Today they could do that.</p> <p>21 Q Right, that's what you're referring to.</p> <p>22 A Correct.</p> <p>23 Q What I'm asking you is: Did Michael -- is 24 it your understanding that in April 2006 that Michael 25 Foods had permission to represent to a buyer that</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

56 (Pages 218 to 221)

<p style="text-align: right;">218</p> <p>1 those eggs were UEP Certified eggs or put the UEP 2 Certified logo on that package?</p> <p>3 A I'm not saying that they could make the 4 representation, what I'm saying, they could do that if 5 they wanted to. Because they buy 70 percent of their 6 eggs from marketplace, so in theory they could buy UEP 7 Certified eggs from marketplace and give us UEP 8 Certified product.</p> <p>9 Q Right, but I'm asking you about: Were they 10 permitted to represent that the products were UEP 11 Certified products?</p> <p>12 A That I cannot.</p> <p>13 MR. MURRAY: Objection.</p> <p>14 A I don't know.</p> <p>15 Q You don't know?</p> <p>16 A Don't know.</p> <p>17 Q Okay. And if -- and if Ben & Jerry's is 18 asking for UEP Certified products, your understanding 19 that what Ben & Jerry's was looking for were 20 certifications that these were, in fact, UEP Certified 21 products?</p> <p>22 A That's correct.</p> <p>23 Q So it would be important to Ben & Jerry's 24 that the products are sold as UEP Certified products?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">220</p> <p>1 from marketplace. They could buy UEP Certified egg 2 product from marketplace. The certification continues 3 at the product level.</p> <p>4 Q Did anybody from Michael Foods ever talk to 5 you about the difficulties they had in getting a 6 license to sell UEP Certified egg products as a 7 nonmember?</p> <p>8 A I don't recall.</p> <p>9 MR. GREENE: Daga Exhibit 26. This is 10 CPCEGED00083641 to 43. 11 (Email Exchange, Bates CPCEGED00083641 to 12 CPCEGED00083643, marked as Daga Exhibit 26, as 13 of this date.) 14 BY MR. GREENE:</p> <p>15 Q And you see at the top of Exhibit 26 this is 16 an email from Tom Langan to you on April 25th, 2006, 17 correct?</p> <p>18 A Looks like.</p> <p>19 Q And you received this email?</p> <p>20 A Looks like.</p> <p>21 Q Yeah. And he attached a letter from the 22 Humane Society, correct?</p> <p>23 A Correct.</p> <p>24 Q And you see that one of the complaints of 25 the Humane Society in the attached letter, number 42,</p>
<p style="text-align: right;">219</p> <p>1 Q Okay. And you don't have any information 2 that in April 2006 Michael Foods would have been able 3 to present egg products as UEP Certified products?</p> <p>4 A Yeah, go back. They buy 70 percent of eggs 5 from marketplace, so they are -- they could buy UEP 6 Certified eggs from marketplace.</p> <p>7 Q Right. Right. And the question becomes: 8 Were they -- do you understand they were authorized to 9 use the UEP Certified logo at that time?</p> <p>10 A I don't -- we don't use logos in our 11 product.</p> <p>12 Q Do you -- did you understand that they were 13 able -- that they were permitted as a nonmember to 14 give you some kind of certification that these were 15 UEP Certified eggs?</p> <p>16 A I don't --</p> <p>17 MR. MURRAY: Objection, asked and answered.</p> <p>18 A I don't know.</p> <p>19 Q You don't know?</p> <p>20 A I don't know. Certification is on product. 21 There you have to separate company and product.</p> <p>22 Q Okay. I don't understand what that means.</p> <p>23 A It means the certification is on product and 24 company is separate than certification. So, as I said 25 before, Michael's Food buy 70 percent of their eggs</p>	<p style="text-align: right;">221</p> <p>1 you see in the middle -- again, you can read whatever 2 portion you want -- and it says: Yet Hellmann's egg 3 supplier, Michael Foods, doesn't even participate in 4 this inadequate program. You saw that?</p> <p>5 A I saw that.</p> <p>6 Q Yeah. And so you understood that the Humane 7 Society was continuing to put pressure on Conopco 8 because Michael Foods was not a member of the UEP 9 Certified Program, correct?</p> <p>10 A They continue to put pressure on Conopco for 11 us to move to a cage-free or animal welfare egg.</p> <p>12 Q Okay. But this particular line in the 13 Humane Society letter, March 31st, 2006, that's 14 attached to Mr. Langan's email, makes a point of the 15 fact that Hellmann's egg supplier, Michael Foods, 16 doesn't even participate in this inadequate industry 17 program. Do you see that?</p> <p>18 A That's what the opinion is.</p> <p>19 Q Right. They are being critical of you for 20 doing business with Michael Foods, right?</p> <p>21 A They are giving opinion about Michael Foods.</p> <p>22 Q They're what?</p> <p>23 A They're giving opinion about Michael's Food.</p> <p>24 Q Why -- did you have some understanding as to 25 why it was a concern within Conopco to be getting</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

57 (Pages 222 to 225)

<p style="text-align: right;">222</p> <p>1 these letters from the Humane Society?</p> <p>2 A Humane Society is NGO. We respect and work</p> <p>3 with NGOs. And we have to listen to them. We work</p> <p>4 with them.</p> <p>5 Q What is an NGO?</p> <p>6 A Nongovernment organization.</p> <p>7 (Whereupon, request to repeat.)</p> <p>8 MR. MURRAY: Nongovernment.</p> <p>9 THE WITNESS: Nongovernment organization.</p> <p>10 Q Why as a company were you concerned about</p> <p>11 what the Humane Society thought about your egg</p> <p>12 products?</p> <p>13 A Why as a company we are concerned? That's a</p> <p>14 question should be answered by our government relation</p> <p>15 people.</p> <p>16 Q Did you have some understanding as to why</p> <p>17 you were getting these emails forwarding Humane</p> <p>18 Society correspondence?</p> <p>19 A I wasn't getting them directly, I was being</p> <p>20 forwarded.</p> <p>21 Q Why were they -- what was your understanding</p> <p>22 as to why they were being forwarded to you?</p> <p>23 A Because I'm egg buyer and it relates to</p> <p>24 eggs.</p> <p>25 Q Okay. Is it fair to say that your</p>	<p style="text-align: right;">224</p> <p>1 BY MR. GREENE:</p> <p>2 Q This is an email from Jason Taylor to you</p> <p>3 dated May 18, 2006, correct?</p> <p>4 A Looks like.</p> <p>5 Q Okay. You received it at that time?</p> <p>6 A Looks like.</p> <p>7 Q Yeah. And you -- it has: Please see</p> <p>8 attached letter regarding Unilever's request to have</p> <p>9 MFI to use UEP AC eggs for all your egg product</p> <p>10 requirements. Do you see that?</p> <p>11 A Looks like.</p> <p>12 MR. MURRAY: Why is there two Bates numbers</p> <p>13 on this?</p> <p>14 MR. GREENE: It's the lower one I think is</p> <p>15 the one that matters.</p> <p>16 BY MR. GREENE:</p> <p>17 Q The -- and then there's an attached letter</p> <p>18 May 16, 2006, and Mr. Taylor writes to you: Michael</p> <p>19 Foods has received and understands Unilever's request</p> <p>20 to have all its egg products purchased from Michael</p> <p>21 Foods to be sourced from eggs produced in compliance</p> <p>22 with United Egg Producers Animal Certification</p> <p>23 Program. Did I read that right?</p> <p>24 A Correct.</p> <p>25 Q Michael Foods has prepared a proposal to UEP</p>
<p style="text-align: right;">223</p> <p>1 understanding at the time was the company was</p> <p>2 concerned about being publicly criticized by the</p> <p>3 Humane Society?</p> <p>4 A Correct.</p> <p>5 Q And that would be a concern for a company</p> <p>6 that sells consumer products like Unilever, correct?</p> <p>7 A We listen to them. We work with them.</p> <p>8 Q Okay. You don't want to be in a position</p> <p>9 where the Humane Society is publicly attacking</p> <p>10 Conopco, correct?</p> <p>11 A We don't want to be in that situation.</p> <p>12 Q Okay.</p> <p>13 A But we work with them.</p> <p>14 Q Working with whom?</p> <p>15 A With all NGOs, including Humane Society.</p> <p>16 Q Right. And one of the things this NGO, the</p> <p>17 Humane Society is telling you is, they're being</p> <p>18 critical of you from buying from Michael Foods because</p> <p>19 it's not a member of the UEP Certified Program,</p> <p>20 correct?</p> <p>21 A They're giving an opinion.</p> <p>22 (Email, Bates MFI0109730 to MFI0109731,</p> <p>23 marked as Daga Exhibit 27, as of this date.)</p> <p>24 MR. GREENE: This is a -- let's get the</p> <p>25 numbers on the record. MFI0109730 to 31.</p>	<p style="text-align: right;">225</p> <p>1 which outlines our desire to join the AC program and</p> <p>2 therefore once certified, be in the position to meet</p> <p>3 your request for compliance. Do you see that?</p> <p>4 A I do.</p> <p>5 Q Right. So Michael Foods is telling you,</p> <p>6 first of all, they understood you are now requesting</p> <p>7 that your eggs be sourced from, from eggs produced in</p> <p>8 accordance with the UEP program; is that correct?</p> <p>9 A Looks like.</p> <p>10 Q And that's a change from, say, 2005,</p> <p>11 correct?</p> <p>12 A Looks like.</p> <p>13 Q This is a new directive from Unilever?</p> <p>14 A Looks like.</p> <p>15 Q Okay. And what Michael Foods is telling you</p> <p>16 is, in order to be able to meet that request, they're</p> <p>17 going to need to get certified, correct?</p> <p>18 A Looks like.</p> <p>19 Q That's what they're telling you?</p> <p>20 A Correct.</p> <p>21 Q And, in fact, they have a proposal to join</p> <p>22 the UEP program at that point; is that right?</p> <p>23 A Correct.</p> <p>24 Q What was your reaction to receiving this</p> <p>25 letter?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

58 (Pages 226 to 229)

<p style="text-align: right;">226</p> <p>1 A I don't recall how I reacted.</p> <p>2 Q Did you -- is this consistent with your</p> <p>3 understanding that you did, in fact, request all the</p> <p>4 products to be produced in accordance with UEP</p> <p>5 Certified?</p> <p>6 A Correct.</p> <p>7 Q So you got that -- Mr. Taylor got that part</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q Okay. And did you express any objection to</p> <p>11 Michael Foods taking steps to join the UEP Certified</p> <p>12 Program?</p> <p>13 A Did I express any opposition or?</p> <p>14 Q Correct. Did you express any opposition to</p> <p>15 it?</p> <p>16 A I don't recall.</p> <p>17 Q Did you say no, don't do that, don't join</p> <p>18 the program?</p> <p>19 A I don't recall.</p> <p>20 Q In fact, you wanted Michael Foods to be able</p> <p>21 to provide UEP Certified product, correct?</p> <p>22 A Correct.</p> <p>23 Q Okay. And if Michael Foods is telling you</p> <p>24 that in order to provide the product they need to join</p> <p>25 the program, then you wanted them to join the program,</p>	<p style="text-align: right;">228</p> <p>1 (Email Exchange, Bates CPCEGED00103941 to</p> <p>2 CPCEGED00103943, marked as Daga Exhibit 28, as</p> <p>3 of this date.)</p> <p>4 BY MR. GREENE:</p> <p>5 Q This is an email from you to Tom Langan and</p> <p>6 Daniel Scheidt dated May 18, 2006, correct?</p> <p>7 A Correct.</p> <p>8 Q This is -- comes on top of an email from</p> <p>9 Jason Taylor to you. Do you see that?</p> <p>10 A I do.</p> <p>11 Q And do you see the beginning reads:</p> <p>12 Attached above is from Michael Foods on our request of</p> <p>13 UEP Certified projects -- products.</p> <p>14 Then you write: I also understand that UEP</p> <p>15 board has made some changes in their bylaws. This</p> <p>16 change can allow Michael Foods to market certified UEP</p> <p>17 eggs while they phase in UEP cage requirement. Do you</p> <p>18 see that?</p> <p>19 A I do.</p> <p>20 Q So you understood at this point in May of</p> <p>21 2006 that UEP was contemplating action that would have</p> <p>22 allowed Michael Foods to market certified UEP</p> <p>23 Certified eggs?</p> <p>24 A Correct.</p> <p>25 Q And this was a change?</p>
<p style="text-align: right;">227</p> <p>1 correct?</p> <p>2 A Correct.</p> <p>3 Q Mr. Daga, while we're, while we're there.</p> <p>4 At any point while you were egg buyer, did</p> <p>5 you ever express any objection to Michael Foods being</p> <p>6 a member of the UEP Certified Program?</p> <p>7 A I don't recall I ever expressed any</p> <p>8 opposition.</p> <p>9 Q Did anybody at Conopco ever express any</p> <p>10 opposition or objection to Michael Foods joining the</p> <p>11 UEP Certified Program?</p> <p>12 A I don't recall anybody objected to it.</p> <p>13 Q To the extent you're a 30(b)(6) witness as a</p> <p>14 corporate representative, you're not aware of any such</p> <p>15 objection being expressed?</p> <p>16 A I'm not aware of any such objections.</p> <p>17 MR. GREENE: Why don't we take a break.</p> <p>18 THE VIDEOGRAPHER: The time is 2:47 p.m.</p> <p>19 We're going off the record.</p> <p>20 (Whereupon, off the record.)</p> <p>21 (Whereupon, resumed.)</p> <p>22 THE VIDEOGRAPHER: The time is 3 p.m. and</p> <p>23 we're back on the record.</p> <p>24 MR. GREENE: Exhibit 28. Daga Exhibit 28 is</p> <p>25 CPCEGED00103941 through 943.</p>	<p style="text-align: right;">229</p> <p>1 A Looks like.</p> <p>2 MR. GREENE: Exhibit 29.</p> <p>3 (Email Exchange, Bates CPCEGED00103948 to</p> <p>4 CPCEGED00103952, marked as Daga Exhibit 29, as</p> <p>5 of this date.)</p> <p>6 BY MR. GREENE:</p> <p>7 Q And you'll see that this is an email from</p> <p>8 you. The one at the top -- I'm sorry.</p> <p>9 MR. GREENE: Exhibit 29, CPCEGED00103948 to</p> <p>10 952.</p> <p>11 Q You see that this is an email from you to</p> <p>12 Tom Langan and Sharyn Kolstad. There's some cc's. Do</p> <p>13 you see that?</p> <p>14 A Yes, I do.</p> <p>15 Q And it says: Above is a response from</p> <p>16 Michael Foods on recent press release. I now</p> <p>17 understand that MF have decided to join the UEP</p> <p>18 program. They have requested the paperwork to get the</p> <p>19 process started. Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Okay. Initially they will be given license</p> <p>22 to use UEP seal as long as they procure eggs from a</p> <p>23 certified UEP members. They cannot use the</p> <p>24 certification for their own production until they</p> <p>25 fully catch up with the cage requirement. Do you see</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

59 (Pages 230 to 233)

<p style="text-align: right;">230</p> <p>1 that?</p> <p>2 A I do.</p> <p>3 Q And was that your understanding in June of</p> <p>4 2006?</p> <p>5 A I do.</p> <p>6 Q That Michael Foods had joined?</p> <p>7 A They begin the process.</p> <p>8 Q Right. And this would, from your</p> <p>9 perspective, enable them to be able to deliver the UEP</p> <p>10 Certified eggs that Conopco was requesting, correct?</p> <p>11 A Correct.</p> <p>12 Q You also see that there's an attached press</p> <p>13 release. Michael Foods at this point is being</p> <p>14 attacked for animal welfare issues, correct?</p> <p>15 A That's what the press release says.</p> <p>16 Q Yes.</p> <p>17 A Okay.</p> <p>18 Q And they've also then attached a response to</p> <p>19 the press item, correct?</p> <p>20 A Response to press item?</p> <p>21 Q Yes.</p> <p>22 A Okay.</p> <p>23 Q It looks like there's, if you look, the</p> <p>24 first couple pages it looks like someone's forwarding</p> <p>25 you an article from the Lincoln Journal Star?</p>	<p style="text-align: right;">232</p> <p>1 (Email Exchange, Bates CPCEGED00083993 to</p> <p>2 CPCEGED00083994, marked as Daga Exhibit 30, as</p> <p>3 of this date.)</p> <p>4 BY MR. GREENE:</p> <p>5 Q Daga Exhibit 30. And this is -- who is Mark</p> <p>6 Hauman?</p> <p>7 A He was my supervisor at some point in time.</p> <p>8 Q So we've got, this is Exhibit 30,</p> <p>9 CPCEGED00083993 to 994. Do you see that?</p> <p>10 A Yes.</p> <p>11 Q Okay. And was he, Mr. Hauman, your</p> <p>12 supervisor in August of 2006?</p> <p>13 A Looks like.</p> <p>14 Q Okay. And it looks like Mr. Hauman has --</p> <p>15 there's an email from him to Mr. -- to Mr. Vermeulen.</p> <p>16 Then there's an email from Mr. Hauman to Nicola Roube?</p> <p>17 A Nicola Roube.</p> <p>18 Q Nicola Roube. And then an email from</p> <p>19 Mr. Hauman to you forwarding.</p> <p>20 A Looks like.</p> <p>21 Q Do you see that?</p> <p>22 A I do.</p> <p>23 Q Okay. And if you look at the email from</p> <p>24 Mr. Hauman to Ms. Roube: As info, the first we are or</p> <p>25 our supplier heard that they were being dropped was</p>
<p style="text-align: right;">231</p> <p>1 A Yeah.</p> <p>2 Q And then if you go a few pages beyond. Flip</p> <p>3 one more. You get the Michael Foods response.</p> <p>4 A The response to Unilever.</p> <p>5 Q Yeah. It's a letter to you responding to</p> <p>6 the press item.</p> <p>7 A Okay.</p> <p>8 Q Is that right?</p> <p>9 A That's what it says, yeah.</p> <p>10 Q And you said: Attached is -- above is a</p> <p>11 response from Michael Foods on the recent press</p> <p>12 release, that's what you're referring to.</p> <p>13 A Okay.</p> <p>14 Q Correct?</p> <p>15 A All right. Sound good.</p> <p>16 Q And did there come a time shortly after that</p> <p>17 press item that Ben & Jerry's dropped Michael Foods as</p> <p>18 a supplier?</p> <p>19 A I don't recall that we dropped them as</p> <p>20 supplier right after that. We have to -- we have to</p> <p>21 check the record.</p> <p>22 Q You don't recall that?</p> <p>23 A I don't recall that.</p> <p>24 Q Uhm...</p> <p>25 A Honestly, I don't know.</p>	<p style="text-align: right;">233</p> <p>1 the published news comments from B&J's CEO.</p> <p>2 Michael Foods is in tomorrow.</p> <p>3 As a company, we just s-h-i-asterisk on a</p> <p>4 good supplier working with us to meet our new requests</p> <p>5 and NA IC/we absolutely knew the background and we</p> <p>6 were dealing with this through our government</p> <p>7 relations folks.</p> <p>8 Okay. Does this refresh your recollection</p> <p>9 that Ben & Jerry's dropped Michael Foods as a supplier</p> <p>10 in August of 2006?</p> <p>11 A That's what he says, so they made the</p> <p>12 announcement, so.</p> <p>13 Q And that was because of animal welfare</p> <p>14 issues, correct?</p> <p>15 A Looks like.</p> <p>16 Q Right. It wasn't -- you don't recall any</p> <p>17 issue Ben & Jerry had with the quality of the product</p> <p>18 they were getting from Michael Foods, correct?</p> <p>19 A That's correct.</p> <p>20 Q Right. No issue at that time regarding the</p> <p>21 price?</p> <p>22 A That's correct.</p> <p>23 Q Right. This was all about animal welfare,</p> <p>24 animal welfare concerns, correct?</p> <p>25 A Looks like.</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

60 (Pages 234 to 237)

<p style="text-align: right;">234</p> <p>1 Q All right. And Mr. -- if you look at one of 2 Mr. Hauman's underlying emails here, it says: Michael 3 Foods has been a top supplier for many, many years 4 with a commendable track record -- I'm sorry. Second 5 page. Towards the top block. And, again, you can 6 read any portion you want.</p> <p>7 Michael Foods has been a top supplier for 8 many, many years with a commendable track record for 9 quality, service, and projects in innovation and cost 10 savings. Did you agree with that statement from 11 Mr. Hauman?</p> <p>12 A Yes, I do.</p> <p>13 Q And you did at the time?</p> <p>14 A Yes, I did.</p> <p>15 Q And so what was occurring at this point is 16 that even an egg products company that was -- had a 17 commendable record for quality, service, and projects 18 in innovation and cost savings could lose business 19 because of animal welfare issues; is that fair?</p> <p>20 A Quite possible.</p> <p>21 Q And that was happening at the time, correct?</p> <p>22 A Looks like.</p> <p>23 MR. GREENE: Daga Exhibit 31. 24 (Q&A, Bates CPCEGED00104052 to 25 CPCEGED00104055, marked as Daga Exhibit 31, as</p>	<p style="text-align: right;">236</p> <p>1 continue on the Conopco side to purchase from Michael 2 Foods, correct?</p> <p>3 A Correct.</p> <p>4 Q Okay. And you had some concern about 5 dealing with potential backlash, as Conopco was 6 concerned about backlash, why is Conopco continuing to 7 buy from Michael Foods if Ben & Jerry's announced they 8 dropped them?</p> <p>9 A We were talking about it internally.</p> <p>10 Q Is that a fair characterization of what was 11 going on internally?</p> <p>12 A We were talking about that we have issues 13 here.</p> <p>14 Q Right. And so you -- did the company then 15 sort of produce these Q&A talking points to address 16 these concerns?</p> <p>17 A Looks like that's what they've done.</p> <p>18 Q And the -- and so, for example, the company, 19 the first question that's on Exhibit 31: Why is 20 Unilever United States continuing to use its egg 21 supplier, Michael Foods, when Ben & Jerry's severed 22 its relationship because of information from the 23 Humane Society of the U.S. regarding inhumane hen 24 treatment at Michael Foods facilities. Do you see 25 that?</p>
<p style="text-align: right;">235</p> <p>1 of this date.) 2 MR. GREENE: This is CPCEGED00104052 through 3 055. 4 BY MR. GREENE: 5 Q It reads on top Draft: Privileged and 6 Confidential: For Discussion Purposes Only 9/22/06, 7 3:00 p.m., Egg Production Supplies Q&A. Do you 8 recognize this document?</p> <p>9 A I don't recall this.</p> <p>10 Q You do recall it?</p> <p>11 A I don't.</p> <p>12 Q You don't recall it. I'm sorry. That was 13 an error on my part, I don't want to put words in your 14 mouth.</p> <p>15 You don't recall it?</p> <p>16 A No.</p> <p>17 Q Do you recall at this point that there was 18 concern within Conopco about pressure from the Humane 19 Society regarding purchases from Michael Foods?</p> <p>20 A We were talking about it internally.</p> <p>21 Q You were concerned that the -- Ben & Jerry's 22 had dropped Michael Foods, correct?</p> <p>23 A Ben & Jerry made announcement they're 24 dropping Michael's Food.</p> <p>25 Q And there was concern you were going to</p>	<p style="text-align: right;">237</p> <p>1 A I do.</p> <p>2 Q And part of the answer to your question, in 3 answer one, Conopco's answer is: To that end, 4 Unilever United States is currently working with our 5 egg supplier to transition its egg production 6 operations to meet the United Egg Producers Certified 7 standards for hen welfare. Do you see that?</p> <p>8 A I do.</p> <p>9 Q And is that a fair characterization that at 10 this point Conopco was working with Michael Foods to 11 transition Michael Foods' egg production operations?</p> <p>12 A Correct.</p> <p>13 Q Okay. And so -- and this was a point that 14 you were making or prepared to make publicly in order 15 to deflect criticism based on animal welfare concerns, 16 correct?</p> <p>17 MR. MURRAY: Objection --</p> <p>18 A I don't know.</p> <p>19 MR. MURRAY: -- to the form of that 20 question.</p> <p>21 MR. GREENE: I will withdraw it.</p> <p>22 Q Is it fair to say that at this point that 23 Conopco was using Michael Foods' decision to join the 24 UEP Certified Program in its press relations efforts 25 to deflect animal welfare criticism?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

61 (Pages 238 to 241)

<p style="text-align: right;">238</p> <p>1 MR. MURRAY: Objection to the form of the 2 question. Lack of foundation. 3 A I don't know. 4 Q Would you know why these documents were 5 created? 6 A Do I know why? It looks like it's questions 7 and answers. 8 Q Questions and answers from whom? 9 A From whom? They were drafted by somebody in 10 our company. 11 Q Do you know what questions that they were 12 contemplating or anticipating? 13 A I don't -- I didn't draft this one, so I 14 don't know. 15 MR. GREENE: Number 32? 16 THE COURT REPORTER: Yes. 17 (Email Exchange, Bates CPCEGED00103986 to 18 CPCEGED00103990, marked as Daga Exhibit 32, as 19 of this date.) 20 MR. GREENE: Daga Exhibit 32, CPCEGED00 -- 21 MR. MURRAY: Hold on a second. 22 MR. GREENE: Okay. Did I make a mistake? 23 MR. MURRAY: This may be a -- bm.com might 24 be a law firm. We might claw this back. 25 MR. GREENE: Let me get the numbers on the</p>	<p style="text-align: right;">240</p> <p>1 MR. MURRAY: Well, let me just ask him who 2 some of these people are. 3 MR. GREENE: Let's go off the record. 4 MR. MURRAY: Real quick. 5 THE VIDEOGRAPHER: The time is 3:18 p.m. 6 We're going off the record. 7 (Whereupon, off the record.) 8 (Whereupon, resumed.) 9 THE VIDEOGRAPHER: The time is 3:21 p.m. and 10 we're back on the record. 11 MR. GREENE: We're back on the record. 12 Mr. Murray wants to claw back, based on 13 concerns over privilege, the first three pages, 14 CPCEGED01983 to 985 that were previously part of 15 Exhibit 32. We'll reserve our rights on that, 16 but for present purposes I'm fine with that. 17 So we're going to call Exhibit 32, and the 18 only exhibit that will go into this record, the 19 document that begins CPCEGED00103986 through 990. 20 Is that correct? 21 MR. MURRAY: Yes. 22 MR. GREENE: Okay. 23 BY MR. GREENE: 24 Q Mr. Daga, I want to direct your attention to 25 the email that you sent on Thursday, September 7,</p>
<p style="text-align: right;">239</p> <p>1 record. 2 MR. MURRAY: Okay. 3 MR. GREENE: Daga Exhibit 32, 4 CPCEGED00103983 to 103990. 5 MR. MURRAY: I think this is the law firm. 6 Steven Miller. We're gonna, we're gonna claw 7 this back. 8 MR. GREENE: All right. Let me draw your 9 attention to -- 10 MR. MURRAY: We're clawing it back. 11 MR. GREENE: I know. But I'm asking, while 12 we're on the record, I want to make sure that I'm 13 precluded from asking about a particular portion 14 of it that you may not be clawing back. 15 If you look at the page that ends 986, at 16 the bottom of the page -- actually, it's page 4 17 of this document. There's an email from Ramesh 18 Daga to Mike Bauer, Joe DiRaddo, Dana Emery, 19 copied to Hauman, Langan and Plaza, and that's 20 the document, that's the correspondence I want to 21 question about. Is there anything about that 22 particular correspondence that precludes me from 23 questioning? If not, then what I would agree to 24 do is deem the document redacted for purposes of 25 including it in the record.</p>	<p style="text-align: right;">241</p> <p>1 2006, 4:07 p.m. at the bottom of the first page here. 2 The recipients here are -- well, can you identify who 3 these people are that you're sending it to? 4 A These are all internal Unilever people. 5 Q Who is Mike Bauer? 6 A Businessperson. Marketing. Marketing 7 person. 8 Q And Joe DiRaddo? 9 A Supply chain. 10 Q Dana Emery? 11 A Business marketing. 12 Q Mark Hauman? 13 A Purchasing. 14 Q And you're the person who you reported to at 15 this point? 16 A Correct. 17 Q Tom Langan? 18 A Government relation. 19 Q And Renee Plaza? 20 A Factory manager. 21 Q All right. And this is an email from you to 22 those individuals and you sent this approximately 23 September 7, 2006, correct? 24 A Correct. 25 Q And, again, you can read whatever portion of</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

62 (Pages 242 to 245)

<p style="text-align: right;">242</p> <p>1 it you want. I'm going to direct you to the last 2 couple paragraphs.</p> <p>3 A Okay.</p> <p>4 Q It said: Proactively, we are working with 5 our current egg supplier Michael Foods to quickly 6 convert our eggs to an industry standard called UEP 7 (United Egg Producers). Do you see that?</p> <p>8 A I do.</p> <p>9 Q And was that an accurate statement?</p> <p>10 A Correct.</p> <p>11 Q You were working with Michael Foods at that 12 time?</p> <p>13 A Correct.</p> <p>14 Q And to quickly convert their eggs to UEP?</p> <p>15 A Correct.</p> <p>16 Q And it says: Per attached presentation from 17 Michael Foods, they are fully committed to make this 18 happen. Do you see that?</p> <p>19 A I do.</p> <p>20 Q Okay. And then it says: We have told them 21 clearly to make this happen by January 2007. Do you 22 see that?</p> <p>23 A I do.</p> <p>24 Q And was that a correct statement?</p> <p>25 A That's correct.</p>	<p style="text-align: right;">244</p> <p>1 something to our corporate image.</p> <p>2 Q So by Michael Foods joining UEP Certified, 3 it puts Conopco in a better position to defend itself 4 against animal welfare criticism; is that correct?</p> <p>5 A Against any criticism, including animal 6 welfare.</p> <p>7 MR. GREENE: Exhibit 33, Daga Exhibit 33. 8 (PowerPoint, Bates CPCEGED00066366 to 9 CPCEGED00066373, marked as Daga Exhibit 33, as 10 of this date.)</p> <p>11 BY MR. GREENE:</p> <p>12 Q Do you recognize Daga Exhibit 33?</p> <p>13 MR. GREENE: By the way, I should read into 14 the record, CPCEGED00066366 through 373.</p> <p>15 Q This is a document that's titled Certified 16 Humane Cage Free Egg Yolk for Ben & Jerry's, January 17 2007, and it has your name Ramesh Daga on it. Do you 18 see that?</p> <p>19 A I do.</p> <p>20 Q This is a document you prepared?</p> <p>21 A Yes, I did.</p> <p>22 Q Okay. What was the purpose of this 23 document?</p> <p>24 A It's again one of those monthly or 25 periodically market report.</p>
<p style="text-align: right;">243</p> <p>1 Q Conopco told Michael Foods clearly to 2 convert to UEP Certified by January 2007; is that 3 correct?</p> <p>4 A That's correct.</p> <p>5 Q Okay. Then I'm going to go to the next 6 paragraph, but, again, you can read any portion you'd 7 like.</p> <p>8 It says: UEP standard will probably not 9 going to if I Humane Society. However, it will put us 10 in better position to defend in case they try to use 11 B&J tactic on Unilever retail foods. Can you explain 12 what you meant by that?</p> <p>13 A So they may have asked Ben & Jerry to go 14 cage free, and that's a much higher standard than UEP 15 standard.</p> <p>16 Q So you say: It will put us in better 17 position to defend. What does "better position to 18 defend" mean?</p> <p>19 A It means we're moving up from wherever we 20 were to a better standard, so we improved.</p> <p>21 Q I understand better standard. What does the 22 phrase "put us in better position to defend," to 23 defend what?</p> <p>24 A To defend in case there's any kind of issues 25 that we are not good corporate citizen, we are --</p>	<p style="text-align: right;">245</p> <p>1 Q And if you look at the page that's marked as 2 page number 6. It appears that you were looking at 3 identifying finalists to serve as suppliers. Do you 4 recall this?</p> <p>5 A I do.</p> <p>6 Q What is -- what were the -- looking at 7 page 6. What were Michael Foods and Hidden Valley 8 Ranch identified as finalists for?</p> <p>9 A Hidden Villa Ranch.</p> <p>10 Q Hidden Villa Ranch. Sorry.</p> <p>11 A Okay.</p> <p>12 Q What were they identified as finalists for?</p> <p>13 A They were two potential supplier to supply 14 Ben & Jerry.</p> <p>15 Q And you identified pros and cons for both 16 Hidden Villa Ranch and Michael Foods, correct?</p> <p>17 A Looks like.</p> <p>18 Q And it looks like Michael Foods was less 19 expensive, correct?</p> <p>20 A They say that.</p> <p>21 Q If you look at Disadvantage from Hidden 22 Villa Ranch.</p> <p>23 A Okay.</p> <p>24 Q Price is about 10 percent a pound higher 25 versus Michael Foods. Do you see that?</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

63 (Pages 246 to 249)

<p style="text-align: right;">246</p> <p>1 A I do.</p> <p>2 Q And of course the next page on Benefits from</p> <p>3 Michael Foods, about 10 cents a pound cheaper than</p> <p>4 Hidden Villa Ranch, right?</p> <p>5 A Right.</p> <p>6 Q Okay. They also had a plant in New Jersey,</p> <p>7 correct, Michael Foods?</p> <p>8 A Looks like, yes.</p> <p>9 Q And that, that helped with temperature</p> <p>10 issues and transportation, correct?</p> <p>11 A That's what he says, and yes, that's right.</p> <p>12 Q That has to do with being able to ship from</p> <p>13 close to a location, correct?</p> <p>14 A Looks like.</p> <p>15 Q So the closer you are to a location, the</p> <p>16 less of an issue you have with the product going bad</p> <p>17 in transportation, correct?</p> <p>18 A Correct.</p> <p>19 Q Okay. So Michael Foods had a price</p> <p>20 advantage and it had a transportation advantage,</p> <p>21 correct?</p> <p>22 A Looks like.</p> <p>23 Q And on the final page you write -- or, I'm</p> <p>24 sorry. The final page of this document, page 8:</p> <p>25 Supply management strongly recommends Michael Foods as</p>	<p style="text-align: right;">248</p> <p>1 Q Yeah. And those are both people associated</p> <p>2 with Ben & Jerry's, correct?</p> <p>3 A Steve Vermeulen worked for Conopco.</p> <p>4 Q And Daniel Scheidt is associated with Ben &</p> <p>5 Jerry's?</p> <p>6 A Ben & Jerry.</p> <p>7 Q Okay. And Mr. Vermeulen writes: Here is</p> <p>8 the direction we want to take on eggs for the Ben &</p> <p>9 Jerry's branded products. The business is not</p> <p>10 comfortable using Michael Foods at this time for the</p> <p>11 Ben & Jerry brand. The risk of negative press is too</p> <p>12 great. Do you see that?</p> <p>13 A I do.</p> <p>14 Q So even though you had recommended Michael</p> <p>15 Foods based on price and logistics advantages, the</p> <p>16 decision was made to not use Michael Foods, correct?</p> <p>17 A He's recommending. This doesn't require, it</p> <p>18 doesn't say decision already made.</p> <p>19 Q Do you know what the decision was that was</p> <p>20 made?</p> <p>21 A I don't recall what was the decision.</p> <p>22 Q It says down the -- the page about halfway</p> <p>23 down: Proceed with Hidden Villa Ranch. Are you</p> <p>24 saying there was still some uncertainty at this point?</p> <p>25 A I don't recall how it turned out to be, but</p>
<p style="text-align: right;">247</p> <p>1 a UEP and cage-free eggs supplier -- and it says die</p> <p>2 but I'm assuming that's due -- to many strategic</p> <p>3 business relations. Is that correct?</p> <p>4 A That's what it says, yes.</p> <p>5 Q Okay. So you strongly recommended Michael</p> <p>6 Foods, correct?</p> <p>7 A Correct.</p> <p>8 Q And that was you, correct?</p> <p>9 A That's correct.</p> <p>10 Q All right.</p> <p>11 (Email, Bates CPCEGED00086685, marked as</p> <p>12 Daga Exhibit 34, as of this date.)</p> <p>13 BY MR. GREENE:</p> <p>14 Q I'll point out that your Exhibit 33, that</p> <p>15 presentation we just looked at, was dated January</p> <p>16 2007. Do you see that?</p> <p>17 A I do.</p> <p>18 Q Okay. And this is an email, Exhibit 34,</p> <p>19 which is CPCEGED00086685, is an email from Steve</p> <p>20 Vermeulen to you copying Daniel Scheidt, correct?</p> <p>21 A Correct.</p> <p>22 Q And you received that from Mr. Vermeulen?</p> <p>23 A Looks like.</p> <p>24 Q On January 11, 2007?</p> <p>25 A Looks like.</p>	<p style="text-align: right;">249</p> <p>1 based upon this email they are recommending.</p> <p>2 Q You say "proceed with Hidden Villa Ranch" is</p> <p>3 not a decision?</p> <p>4 A I don't know what was the decision. We have</p> <p>5 to look in the record what decision we actually made.</p> <p>6 Q You don't read "proceed with Hidden Villa</p> <p>7 Ranch" as a decision?</p> <p>8 A Not correct. It may have been made, the</p> <p>9 decision may have been made that way.</p> <p>10 Q Okay.</p> <p>11 A But based on this note it doesn't quite</p> <p>12 imply that that was the decision made.</p> <p>13 Q But the way you read Mr. Vermeulen's email,</p> <p>14 the reason that Ben -- that he was recommending not</p> <p>15 using Ben & Jerry's wasn't because of the price?</p> <p>16 A Correct.</p> <p>17 Q It wasn't because of quality?</p> <p>18 A Correct.</p> <p>19 Q It was solely because of animal welfare</p> <p>20 issues and the potential for negative press, correct?</p> <p>21 A Correct.</p> <p>22 MR. GREENE: 35.</p> <p>23 (Email, Bates CPCEGED00104061, marked as</p> <p>24 Daga Exhibit 35, as of this date.)</p> <p>25</p>

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

64 (Pages 250 to 253)

<p style="text-align: right;">250</p> <p>1 BY MR. GREENE:</p> <p>2 Q I'm showing you what's marked as Daga</p> <p>3 Exhibit 35, CPCEGED00104061.</p> <p>4 This is an email from you to Tom Langan,</p> <p>5 January 17, 2008. Do you see that?</p> <p>6 A I do.</p> <p>7 Q The subject is cage free.</p> <p>8 A Yes.</p> <p>9 Q You write: Tom -- and who is Mr. Langan, by</p> <p>10 the way?</p> <p>11 A Government relation director.</p> <p>12 Q Government relations?</p> <p>13 A Government relations director.</p> <p>14 Q I happen to talk to Mike on something -- on</p> <p>15 some on something and brought above question to his</p> <p>16 attention.</p> <p>17 Well, let me skip -- you can read again</p> <p>18 whatever you'd like, I'm going to skip to the third</p> <p>19 sentence or so.</p> <p>20 Do you know what the -- what occasioned this</p> <p>21 email?</p> <p>22 A I don't recall what occasioned that.</p> <p>23 Q What, what -- withdrawn.</p> <p>24 It says: Our supplier, Michael Foods, is on</p> <p>25 schedule to get full UEP certification by Q3 of this</p>	<p style="text-align: right;">252</p> <p>1 correct?</p> <p>2 A That's what it implies, yes.</p> <p>3 Q And that was your understanding at the time,</p> <p>4 correct?</p> <p>5 A Correct.</p> <p>6 MR. GREENE: Let's go off the record.</p> <p>7 THE VIDEOGRAPHER: The time is 3:35 p.m.</p> <p>8 We're going off the record.</p> <p>9 (Whereupon, off the record.)</p> <p>10 (Whereupon, adjourned for the day at 3:35</p> <p>11 p.m., to be continued Thursday, March 13, 2014,</p> <p>12 at 1:00 p.m.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">251</p> <p>1 year. Do you see that?</p> <p>2 A I do.</p> <p>3 Q Is that correct? Did I read that correctly?</p> <p>4 A That's what the email says.</p> <p>5 Q Right. And was that your understanding at</p> <p>6 the time in January of 2008 that Michael Foods was on</p> <p>7 schedule to get full UEP certification by Q3 of that</p> <p>8 year?</p> <p>9 A That's what email said, that's what email</p> <p>10 implied.</p> <p>11 Q And that was your understanding at the time?</p> <p>12 A Back then.</p> <p>13 Q Right. And then you write: They started</p> <p>14 this effort based upon our request early last year.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And the "they" there is a reference to</p> <p>18 Michael Foods?</p> <p>19 A Correct.</p> <p>20 Q And "this effort" is the effort to become</p> <p>21 certified?</p> <p>22 A UEP Certified.</p> <p>23 Q UEP Certified. So what you're saying here</p> <p>24 is Michael Foods started the effort to become UEP</p> <p>25 Certified based on Conopco's request early last year,</p>	<p style="text-align: right;">253</p> <p>1 ACKNOWLEDGMENT OF DEPONENT</p> <p>2</p> <p>3 I, _____, do hereby</p> <p>4 acknowledge that I have read and examined the</p> <p>5 foregoing testimony, and the same is a true, correct</p> <p>6 and complete transcription of the testimony given by</p> <p>7 me, and any corrections appear on the attached Errata</p> <p>8 Sheet signed by me.</p> <p>9</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 (DATE) (SIGNATURE)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com

HIGHLY CONFIDENTIAL

Daga, Ramesh

March 11, 2014

65 (Page 254)

<div style="text-align: right; margin-bottom: 10px;">254</div> <div style="text-align: center; margin-bottom: 10px;">1 C E R T I F I C A T E 2 3</div> <p>4 I, JOSEPHINE H. FASSETT, a Registered 5 Professional Reporter, Certified Court Reporter, and 6 Notary Public within and for the State of New York, do 7 hereby certify that the witness, whose videotaped 8 deposition is hereinbefore set forth, was first duly 9 sworn by me on the date indicated, and that the 10 foregoing videotaped deposition is a true and accurate 11 record of the testimony given by such witness.</p> <p>12 I FURTHER CERTIFY that I am not employed by 13 nor related to any of the parties to this action by 14 blood or marriage, and that I am in no way interested 15 in the outcome of this matter.</p> <div style="margin-top: 20px;"><div style="border-top: 1px solid black; width: 150px; margin: 0 auto;"></div><div style="text-align: center; margin-top: 5px;">18 JOSEPHINE H. FASSETT, RPR, CCR 19 NCRA License No. 32148 20 CCR License No. 30XI00098400 21 New York Notary Public 22 23 24 25</div></div>	

Henderson Legal Services, Inc.

202-220-4158

www.hendersonlegalservices.com